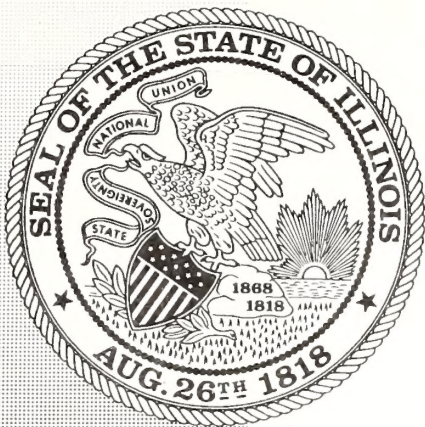


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# ***Illinois Register***

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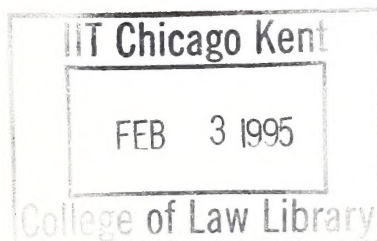
## **Rules of Governmental Agencies**

Volume 19, Issue 04— Jan. 27, 1995

Pages 754-1021

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Index Department  
Administrative Code Div.  
111 East Monroe Street  
Springfield, IL 62756  
(217) 782-7017



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## TABLE OF CONTENTS

January 27, 1995 Volume 19, Issue 4

### PROPOSED RULES

#### AGRICULTURE, DEPARTMENT OF

##### Bees And Apiary Act

8 Ill. Adm. Code 60 .....754

#### CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

##### Pay Plan

80 Ill. Adm. Code 310 .....764

##### State Of Illinois Dependent Care Assistance Plan

80 Ill. Adm. Code 2110 .....774

##### State Of Illinois Medical Care Assistance Plan

80 Ill. Adm. Code 2120 .....779

#### INSURANCE, DEPARTMENT OF

##### Summary Document, Disclaimer & Notice

50 Ill. Adm. Code 3401 .....784

#### LOTTERY, DEPARTMENT OF

##### Lottery (General)

11 Ill. Adm. Code 1770 .....791

#### PUBLIC AID, DEPARTMENT OF

##### Aid To Families With Dependent Children

89 Ill. Adm. Code 112 .....804

##### Aid To The Aged, Blind Or Disabled

89 Ill. Adm. Code 113 .....815

##### Crisis Assistance

89 Ill. Adm. Code 116 .....824

##### Special Eligibility Groups

89 Ill. Adm. Code 118 .....829

#### PUBLIC HEALTH, DEPARTMENT OF

##### Local Health Protection Grant Rules

77 Ill. Adm. Code 615 .....833

#### REHABILITATION SERVICES, DEPARTMENT OF

##### Application

89 Ill. Adm. Code 557 .....839

##### Assessment For Determining Eligibility And Rehabilitation Needs

89 Ill. Adm. Code 553 .....842

##### Client Financial Participation

89 Ill. Adm. Code 562 .....846

#### STUDENT ASSISTANCE COMMISSION, ILLINOIS

##### College Savings Bond Bonus Incentive Grant (BIG) Program

23 Ill. Adm. Code 2771 .....852

Federal Family Education Loan Program (FFELP)	
23 Ill. Adm. Code 2720 .....	861
General Provisions	
23 Ill. Adm. Code 2700 .....	883
Minority Teachers Of Illinois (MTI) Scholarship Program	
23 Ill. Adm. Code 2763 .....	894
Monetary Award Program (MAP)	
23 Ill. Adm. Code 2735 .....	903
Paul Douglas Teacher Scholarship Program	
23 Ill. Adm. Code 2762 .....	912
State Scholar Program	
23 Ill. Adm. Code 2760 .....	920

## ADOPTED RULES

### HIGHER EDUCATION, BOARD OF

Health Services Education Grants Act	
23 Ill. Adm. Code 1020 .....	928

### PROFESSIONAL REGULATION, DEPARTMENT OF

Illinois Certified Shorthand Reporters Act Of 1984	
68 Ill. Adm. Code 1200 .....	940
Private Detective, Private Alarm And Private Security Act Of 1993	
68 Ill. Adm. Code 1240 .....	954

## EMERGENCY RULES

### STUDENT ASSISTANCE COMMISSION, ILLINOIS

David A. DeBolt Teacher Shortage Scholarship Program	
23 Ill. Adm. Code 2764 .....	976

### UNIVERSITY OF ILLINOIS, THE BOARD OF TRUSTEES OF

Certificate Of Certified Public Accountant	
23 Ill. Adm. Code 1300 .....	984

## NOTICE OF EXPEDITED CORRECTIONS

### PROFESSIONAL REGULATION, DEPARTMENT OF

Clinical Psychologist Licensing Act	
68 Ill. Adm. Code 1400 .....	989

### PUBLIC AID, DEPARTMENT OF

Aid To Families With Dependent Children	
89 Ill. Adm. Code 112 .....	998

## NOTICE OF PUBLIC HEARINGS

### AGRICULTURE, DEPARTMENT OF

#### Agrichemical Facilities

8 Ill. Adm. Code 255 .....1011

#### Lawn care Wash Water And Rinsate Collection

8 Ill. Adm. Code 256 .....1012

## NOTICE OF PUBLIC INFORMATION

### LOTTERY, DEPARTMENT OF

Listing Of Game-Specific Materials Published By The Lottery During  
Calendar Year 1994 .....1013

## REGULATORY AGENDA

### ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

#### Subacute Alcoholism And Substance Abuse Treatment Services

77 Ill. Adm. Code 2090 .....1015

### TRANSPORTATION, DEPARTMENT OF

#### Inspection, Repair And Maintenance

92 Ill. Adm. Code 396 .....1016

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received .....1017

## EXECUTIVE ORDERS

### EXECUTIVE ORDERS

95-1 Lieutenant Governor's Duties & Responsibilities

Regarding Economic Development .....1019

## CUMULATIVE INDEX

1995 Index - Issue # 4 .....CI-1

## SECTIONS AFFECTED INDEX

1995 Index - Issue # 4 .....SAI-1



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Bees and Apiaries Act2) Code Citation: 8 Ill. Adm. Code 603) Section Numbers: Proposed Action:

60.10 Amended  
 60.20 Amended  
 60.30 Amended  
 60.40 Amended  
 60.50 Amended  
 60.60 Amended  
 60.70 Amended  
 60.80 Repealed

4) Statutory Authority: Bees and Apiaries Act [510 ILCS 20] (see P.A. 88-138, effective January 1, 1994)

5) A Complete Description of the Subjects and Issues Involved: Due to amendments to the Bees and Apiaries Act (P.A. 88-138, effective January 1, 1994), many Sections of the rules are being modified. A committee comprised of representatives from the following areas formulated the proposed rules: commercial and hobbyist beekeepers, Illinois State Beekeepers Association, State Apiary Inspection Section, and Cooperative Extension Service.

Section 60.20, Registration and Colony Identification, adds the request for other pertinent information to locate and identify the beekeepers and colonies of bees. Section 20(2)(b) of the Act authorizes the possible posting of the beekeeper's registration number in the apiary. To enhance the efficient inspection and identification of colonies, this requirement was added to the rules. This Section also specifies the regulation of the nuisance of unregistered colonies as referenced in Section 2-1 of the Act.

In Section 60.40, Equipment, the time limit during which a beekeeper must correct a problem with hives that cannot be inspected was changed from 12 months to a more definite and reasonable time period of 90 days. A time period of 7 days to effect abatement after issuance of a notice is also established.

Many changes have been proposed in Section 60.50, Diseased or Parasitized Colonies and Exotic Strains. The first subsection was deleted since American foulbrood is the only disease that is proposed to be regulated. A procedure that has been used routinely for the abatement of diseased colonies was added to the rules. Due to the nearly ubiquitous distribution of bee parasites, Section 60.50(c) was deleted and replaced by a subsection requiring treatment for parasites before colony or bee movement will be authorized. Two subsections dealing with exotic strains of bees are being proposed for addition to the rules. The migration and

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT(S)

introduction of exotic strains of bees into the State is uncertain but a possibility. Regulations need to be in place to handle outbreaks and to attempt to prevent the introduction and spread of exotic strains. These changes are proposed for addition pursuant to Section 2-1 of the Act.

Section 60.60, Permits, adds the requirement of the date of treatment for parasites. This follows from the previous section that requires treatment for parasites before movement is authorized. The time period after an inspection during which a moving permit can be issued and before another inspection is required has been increased from 60 days to 90 days.

Subsections of the Quarantine Section, Section 60.70, were updated to include exotic strains of bees.

Reference to the Illinois Compiled Statute number is added.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons can comment on this proposed rulemaking: A 45-day written comment period will be granted for receiving comments from the public. This comment period will begin on the day the notice of rulemaking appears in the Illinois Register. Comments should be sent to the attention of Debbie Wakefield, Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, IL 62794-9281, Facsimile: 217/785-4505.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Beekeepers.

B) Reporting, bookkeeping or other procedures required for compliance: The date of treatment for bee parasites will have to be recorded if colonies are to be moved. Colonies will have to be identified with a registration number by painting, marking, stamping, etc.

D) Types of professional skills necessary for compliance: Basic record keeping skills.

13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: This proposed rulemaking was

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT(S)

not published as a regulatory agenda as this requirement just became effective this month.

The full text of the Proposed Amendments begins on the next page.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER 1: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

## PART 60

## BEES AND APIARY APPIRIES ACT

Section	Definitions
60.10	Registration; Colony Identification
60.20	Inspection
60.30	Equipment
60.40	Diseased or Parasitized Colonies; Exotic Strains
60.50	Permits
60.60	Quarantine
60.70	Administrative Rules (Repealed)
60.80	

AUTHORITY: Implementing and authorized by the Bees and Apiaries Act [510 ILCS 20] (see P.A. 88-138, effective January 1, 1994).

SOURCE: Rules and Regulations Relating to the Bees and Apiaries Act, amended March 4, 1970, effective March 15, 1970; amended May 18, 1971, effective May 28, 1971; amended January 18, 1974, effective February 1, 1974; codified at 5 Ill. Reg. 10447; Part repealed, New Part adopted at 6 Ill. Reg. 7385, effective July 1, 1982; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 60.10 Definitions

- a) "Compliance Agreement" means a written agreement between a beekeeper or other person handling or moving regulated articles and the Director wherein the former agrees to specified conditions and/or requirements so as to remain compliant with the terms of a quarantine.
- a) "Bee Parasites" means the parasitic bee mites, Varroa jacobsoni or Tropilaelaps clareae.
- b) "Control Area" means an area of harmful disease or parasite infestation requiring control measures to eradicate or reduce consistent with the Department of Agriculture's objective the population which with or without proper control presents a significant risk for spreading the harmful pest to other areas.
- b) "Exotic Strain of Bees" means any African or Africanized honey bees or any developed strain of bee not known to be present ordinarily in the State, which may present a hazard to beekeeping and/or the public.
- c) "Infection" means the presence of American foulbrood disease or spores of the disease in the hive or colony.
- d) "Infestation" means the presence of harmful bee diseases or parasites or exotic strains of bees the existence of circumstances that make it



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT(S)

reasonable-to-believe-that-they-are-present.

e)† "Moved (Movement, Move)" means shipped, offered for shipment to a common carrier, received for transportation or transported, moved or allowed to be moved, by any person by any means. Movement and move shall be construed accordingly.

f) "Quarantine" means a circumstance in which bees, colonies, bee equipment or honey is restricted to the existing location, unless allowed to be moved or the honey extracted and removed under permit or compliance agreement with the Director.

g)† "Registration Certificate" means a certificate provided by the Department to an apitary-owner a beekeeper upon acceptance of the application for registration. Said certificate will assign shall be numbered and show an apitary-owner-number each beekeeper's and-show-the apitary-owner's name and mailing address.

f)† "Regulated-Area" means any civil division or any portion thereof--that is--under quarantine--and--for--which it has been designated--that--the movement-of-articles-is-regulated.

h)† "Scientific Permit" means a document issued by the Director Department to allow the movement of regulated articles to a specified destination for scientific purposes.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 60.20 Registration; Colony Identification

a) Any person acquiring ownership or possession of bees shall within ten (10) days of such acquisition file an application for registration with the Department.

b) Any person moving bees into this State from another state or country shall within ten (10) days of after arrival file an application for registration with the Department.

c) Any person owning or possessing bees in the State shall during the month of November of each year file with the Department an application for registration to renew his/her his or her current registration.

d) Application for registration will be made on forms available from the Director Department. The registration information shall include:

1) The apitary-owner's beekeeper's name, name, and mailing address, county of residence, phone number and date.

2) The county name and exact location (such as as as township, section number, road number, street address, etc.) where the bees are kept.

3) The current number of colonies maintained at each location.

4) The name of the landowner or other person in charge of each site where apiaries are maintained.

e) The Department will issue to beekeepers a certificate of registration certificate after the Director Department approves receives the application. All registration certificates will remain in force valid

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT(S)

unless cancelled by the Department when it is determined that a beekeeper is no longer keeping bees or at the registrant's request or if--he/she-fails-to-re-register-as-requested-each-year-during-the-month-of-November.

f) All apiaries shall be identified. This identification shall consist of the state abbreviation "IL" followed by the beekeeper's Illinois registration number in weatherproof lettering not less than one-half inch in height. Said number shall be displayed prominently on the front of a hive.

g) All bees or colonies not registered with the Department shall be declared a nuisance. The beekeeper shall have thirty (30) days in which to register. Failure to comply within thirty (30) days will result in abatement of the nuisance.

h)† There shall be no registration fees.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 60.30 Inspection

a) Every beekeeper shall when requested by the Director Department when performing inspection in the conduct of official duties provide the a complete inventory and location of all bee bees, colonies and beekeeping bee equipment owned or in his/her his or her possession.

b) The Director Department may request and require that the beekeeper assist in locating and handling bees, colonies and beekeeping bee equipment so that inspection may be properly performed.

c) The Director may stop any bee colonies or beekeeping equipment found to be in transit in this State and verify that movement is permitted or immediately quarantine such bees or equipment until an inspection can be performed to establish that no dangerous diseases or parasites harmful to honey bees are present or do not pose a significant threat to other beekeepers in the State.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 60.40 Equipment

a) No person shall keep or maintain bees in any Any hive from which all frames, frames or honeycomb or honey cannot be readily removed for inspection including cross-comb hives or maintain any hive in any situation where adequate or efficient inspection is difficult, impracticable impractical, or impossible is hereby declared a nuisance.

b)† All cross-comb hives--from which honeycomb cannot be readily removed are hereby and immediately declared a nuisance.

b)† When a beekeeper is found to be using such cross-comb hives--he/she



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT(S)

such a nuisance is declared, the owner and/or beekeeper shall be notified in writing to cease the use of such hives. Such notice will establish the time limit within which compliance must be effected but in no case will more than 12 months be allowed to effect compliance. It will be ninety (90) days from the receipt of the notice by the beekeeper.

c) If When the beekeeper has failed to comply after the expiration of said notice, the registrant has failed to cease use of cross-comb hives for keeping bees, the Department may immediately seize and destroy said hives without remuneration to the registrant will issue a notice to the owner and/or beekeeper ordering the nuisance to be abated. The time limit within which the nuisance must be abated shall be seven (7) days from the date of receipt of the notice by the beekeeper.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 60.50 Diseased or Parasitized Colonies; Exotic Strains

a) Bee colonies infected with harmful bee diseases, other than American foulbrood, shall be evaluated on a colony-by-colony basis and treatment for the disease shall be undertaken to reduce the risk of spread in accordance with the recommendations of the Department.

b) Every colony of bees within the State found to be infected with American foulbrood disease shall be ordered destroyed by burning abated. Such burning is to be done in the presence of under the supervision of the Director. All combs, frames, honey and bees must be abated by burning in a pit at least 18 inches deep and then covering the ashes with at least 6 inches of soil. Hive bodies, supers, bottom boards, inner covers and outer covers can be salvaged by sanitizing with a scorching flame.

c) Bee colonies shall be declared a nuisance by the Director when found to be infested with harmful bee parasites or if the beekeeper refuses treatment of the colonies in order to reduce the risk of spread of the disease. Bee colonies or equipment declared a nuisance may be quarantined or destroyed depending on availability of known treatment the type of parasite and its harmful effects and the risk of spread. Bees, colonies or items of bee equipment can be moved within or into the State if treatment for the control of bee parasites using United States Environmental Protection Agency approved substances has been initiated not more than thirty (30) days prior to movement.

d) No person shall possess exotic strains of bees within the State. Any colony within the State found to contain exotic strains of bees shall be abated. Colonies or package bees accepted from any area known to be infested with exotic strains of bees must be certified as being European by:

1) The Fast Africanized Bee Identification System (FABIS);

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT(S)

Sylvester, H.A. and T.E. Rinderer. 1987. "Fast Africanized Bee Identification System (FABIS) Manual". Amer. Bee J. 127:511-516; The Official Universal System for the Detection of Africanized Honey Bees (USDA-ID); Rinderer, T.E. et al. 1993. "Morphometric Identification of Africanized and European Honey Bees Using Large Populations". Apidologie 24:569-585; or

3) Any other United States Department of Agriculture Animal and Plant Health Inspection Service (USDA-APHIS, 6505 Belcrest Road, Hyattsville, MD 20792) approved identification technique.

d) The regulation of bees or colonies in an Africanized honey bee area shall be in accordance with the European Honey Bee State Certification procedure of the Model Honey Bee Certification Plan (November 20, 1991) as approved by the National Association of State Departments of Agriculture (1156 - 15th Street N.W., Suite 1020, Washington, DC 20005) and the United States Department of Agriculture Interagency Technical Working Group on the Africanized Honey Bee (Agricultural Research Service, National Program Staff, Beltsville, MD 20705).

e) Incorporations by reference do not include any amendments or editions beyond the date specified and may be viewed and/or copied at the Department's Springfield office.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 60.60 Permits

a) A beekeeper desiring to ship or No person shall move bees, colonies or exempt bees in combless packages and/or used beekeeping equipment within the State from one county to another within the State, or into this State from any other states and/or other countries shall notify state or country without notifying the Director Department in person, in writing or by telephone at least ten (10) days prior to such movement in order to obtain to allow issuance of a permit authorizing the movement.

b) The permit shall specify the following information:

- 1) Beekeeper's name and mailing address.
- 2) The apiary registration number as assigned or other unique identification codes and/or marks or similar information.
- 3) The origin of the bees or equipment being moved.
- 4) The number of colonies or nature of equipment being moved.
- 5) The destination of the bees or equipment being moved.
- 6) The date when shipment movement will be made.
- 7) The date of treatment for bee parasites.

c) A permit shall be issued if bees or equipment being moved from county to county or into the State of Illinois have been inspected within sixty (60) ninety (90) days before the date of shipment and found apparently free from bee diseases and harmful parasites. The person moving said bees or equipment into Illinois shall furnish to the



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT(S)

Director-a-certificate-of Department an inspection certificate and-its findings signed by an authorized inspector, entomologist, or other responsible official identifying all bee diseases and bee parasites and any controls that were implemented.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 60.70 Quarantine

a) When--upon--inspection--the-Director-finds-bees-or-beekeeping-equipment infected-with-disease-or-infested-with-parasites-harmful-to-bees--or when-he/she-has-reason-to-believe-conditions-are-such-that-harmful diseases-or-parasites-are-present--the-Director-may-implement-a quarantine-to-prevent-their-spread--from-the-area-affected.

a)b) A-quarantine-will--delimit--the The area to be quarantined will be designated by commonly accepted and readily identifiable boundaries (i.e., counties). Said boundaries may shall be changed by the Director to include contiguous areas when if it has been determined the harmful disease-or-disease, parasite or exotic strain has spread thereto into that area.

b)c) A quarantine will include specific restrictions on or requirements for movement into, out of, or through the quarantine area.

c)d) A quarantine will specify the articles to be regulated and, if required, those exempted.

d)e) A quarantine will specify the measures to be undertaken to control or eradicate the harmful disease-or-disease, parasite or exotic strain. and--the-conditions--that--shall-govern--the-movement-of-regulated articles-if-allowed--Any-movement-may-require-but-not-be-limited-to permits--while-control-measures-may-require-but-not-be-limited-to compliance-agreements.

f) The-Director-may-through-a-specific-quarantine-require-advance-request for-inspection-or-provide-advance-notice-of-the-need-for-quarantine related--inspections--and--for--the-issuance--of--permits--or--the establishment-of-compliance-agreement-to-meet-the-obligation-of--the quarantine-while-maintaining-routine-activities.

g) When--the-Director-finds-that-any-person-has-failed-to-comply-with-the provisions-of-the-quarantine--or--terms--of-a-permit--or--compliance agreement--the-Director-may--after-notice-and-reasonable-opportunity to-present-views-has-been-accorded-to-all-parties--revoke-a-permit--or cancel-a-compliance-agreement.

h) For--movement--of--regulated--articles--a-permit-or-agreement-must-be attached-to-the-outside-of-each-article-or-any-container-in-which-such article-is-moved--except-such-attachment-is-not-required--where--said permit-or-agreement-is-attached-to-a-waybill--or-other-shipping document.

e)† The Director may stop, inspect and seize, destroy, or otherwise dispose or order disposal of regulated articles found in violation of

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT(S)

a quarantine.

j) A-quarantine-will-specify-the-beginning-effective-date--if--the-Director-determines--that-the-best-method-of-informing-persons-that-a quarantine-is-to-be-implemented--he/she-may-convene-a-public information-meeting-in-the-quarantine-area.

k) Quarantines--to-be-implemented-will-be-announced-in-the-regulated-area through-various-available-communication-media-serving-that-area--and may-be-posed-on-public-information-boards--should-the-Director-find it-practicable-to-inform-only-those-individuals-to-be-affected-that--a quarantine-is-to-be-implemented--he/she-may-also-effect-notification-in that-manner--the-Director-will-not-issue-a-public-quarantine-notice if-only-one-beekeeper-is-involved--if-the-beekeeper-is-located--in--an isolated-area--if-only-a-few-beekeepers-are-infected--the-problem-is manageable-and-public-notice-could-have-an-adverse-affect--on-the beekeeper's-local-market.

l) Upon-determination-that-a-quarantine-should-be-suspended-or-cancelled--the-Director-may--if-practicable--individually-inform-those-affected and-provide-them-an-opportunity-to-present-their-views-on-the-proposal or-he/she-may-convene-a-public-information-meeting-for-an-opportunity to-present-and-discuss-views.

m) If--the-Director-determines--that--the-harmful-diseases--and/or parasites--found-and-quarantined-no-longer-pose-a-significant-risk-of spread--he/she-may-cancel-a-quarantine.

n)† If the Director determines that the harmful diseases--and/or parasites--disease, parasite or exotic strain for which a quarantine has been implemented has been controlled or eradicated according to the Department's recommendation, he/she he or she may shall cancel a quarantine.

o) If--the-Director-has-reason-to-believe-that-circumstances-other-than those-in-the-preceding-paragraph-are-such-that--a-quarantine-is--no longer-required--he/she-may-cancel-said-quarantine.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 60.80 Administrative Rules (Repealed)

Pursuant--to--Section--2(g)--of--this--Act--the-Department-has--promulgated Administrative--Rules--(Permit--Administrative--Hearings--Contested--Cases--Petitions--and-Administrative-Procedures)--being-8-Illinois-Administrative--Code Part-I.

(Source: Repealed at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: Proposed Action:  
310.Appendix A, Table L Repealed, New
- 4) Statutory Authority:  
Authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b108a.2) [20 ILCS 415/8a.2]
- 5) A Complete Description of the Subjects and Issues Involved:  
The former collective bargaining unit under Table L is being repealed since the described position titles in that section are no longer included under the provisions and jurisdiction of the Personnel Code and rules of the Department of Central Management Services.  
The new RC-008 Collective Bargaining Unit for the Boilermakers is being added to the Pay Plan under Section 310. Appendix A - Table L. The Boilermakers Collective Bargaining Unit will include the existing title of Boiler Safety Specialist with the salary range of \$2,910.42 - 3,719.25/monthly, effective January 1, 1994. Negotiations included salary range increases for the above class of \$3,075.45 - 4,148.27, effective January 1, 1995; and \$3,668.00 - 4,349.71, effective January 1, 1996.
- 6) Will this proposed rule replace an emergency rule currently in effect?  
No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain any incorporations by reference? No.
- 9) Are there any proposed amendments pending to this part? Yes.

Section Numbers	Proposed Action	Ill. Reg. Citation
310.290	Amended	18 Ill. Reg. 14256 (September 23, 1994)
310.450	Amended	18 Ill. Reg. 14256 (September 23, 1994)
310.490	Amended	18 Ill. Reg. 14256 (September 23, 1994)
310.530	Amended	18 Ill. Reg. 14256 (September 23, 1994)
310.540	Amended	18 Ill. Reg. 14256

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 310.Appendix C Amended (September 23, 1994)  
18 Ill. Reg. 14256
- 310.Appendix D Amended (September 23, 1994)  
18 Ill. Reg. 14256
- 310.Appendix G Amended (September 23, 1994)  
18 Ill. Reg. 14256
- 310.230 Amended (September 23, 1994)  
18 Ill. Reg. 16708  
(November 14, 1994)

10) Statement of Statewide Objectives:

This amendment to the Pay Plan pertains only to State employees subject to the Personnel Code and does not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

The Department of Central Management Services' Pay Plan does not affect private businesses. Amendments made to the Pay Plan are not subject to any guidelines or regulations of the Department of Commerce and Community Affairs.

- B) Types of small businesses affected:

None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.

- C) Reporting, bookkeeping or other procedures required for compliance:  
None.

- D) Types of professional skills necessary for compliance: None.

The full text of the proposed amendment(s) begins on the next page.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

## Section

310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 1995
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

## SUBPART B: SCHEDULE OF RATES

## Section

310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## Section

310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Public Service Administrator Class Series
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1993
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

## APPENDIX A

## Negotiated Rates of Pay

## HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)

## HR-200 (Department of Labor - Chicago, Illinois - SEIU)

## RC-069 (Firefighters, AFSCME)

## HR-001 (Teamsters Local #726)

## RC-020 (Teamsters Local #330)

## RC-019 (Teamsters Local #25)

## RC-045 (Automotive Mechanics, IFPE)

## RC-006 (Corrections Employees, AFSCME)

## RC-009 (Institutional Employees, AFSCME)

## RC-014 (Clerical Employees, AFSCME)

## RC-023 (Registered Nurses, INA)

## VR-004 (Illinois State-Treasurer's Office-Employees-Teamsters-and IFPE)

## RC-110 (Boilermakers)

## RC-110 (Conservation Police Lodge)

## RC-010 (Professional Legal Unit, AFSCME)

## RC-028 (Paraprofessional Human Services Employees, AFSCME)

## RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)

## RC-033 (Meat Inspectors, IFPE)

## RC-042 (Residual Maintenance Workers, AFSCME)

## HR-012 (Fair Employment Practices Employees, SEIU)

## HR-010 (Teachers of Deaf, IFT)

## HR-010 (Teachers of Deaf, Extracurricular Paid Activities)

## CU-500 (Corrections, Meet and Confer Employees)

## RC-062 (Technical Employees, AFSCME)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1995
APPENDIX C	Medical Administrator Rates for Fiscal Year 1994
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1994
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Public Service Administrator Class Series Salary Schedule

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b108a(2)) [20 ILCS 415/8a(2)].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 12 Ill. Reg. 3811, effective January 27, 1988; emergency amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 20584, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; emergency amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; emergency amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; emergency amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; emergency amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 18179, effective October 19, 1990; amended at 14 Ill. Reg. 18954, effective November 13, 1990; emergency amendment at 14 Ill. Reg. 18954, effective November 13, 1990; emergency amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14,









## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: State of Illinois Dependent Care Assistance Plan

2) Code Citation: 80 Ill. Adm. Code 2110

3) Section number:                      Proposed Action:  
2110.440                                      Amendment

4) Statutory Authority: Implementing Sections 125 and 129(d) of the Internal Revenue Code (26 U.S.C. 125 and 129(d)), Section 63b5 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 63b5) [20 ILCS 405/64.2], Section 30c of the State Finance Act (Ill. Rev. Stat. 1991, ch. 127, par. 166c) [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 (Ill. Rev. Stat. 1991, ch. 127, pars. 523 and 529) [5 ILCS 375/3 and 9] and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16].

5) A Complete Description of the Subjects and Issues Involved: The proposed amendment will remove the forfeiture distribution provisions from the Dependent Care Assistance Program (DCAP). If this change is approved, any gains from forfeitures will be distributed to the Health Insurance Reserve Fund (HIRF).

6) Will this proposed amendment replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple  
720 Stratton Office Building  
Springfield, IL 62706  
(217)782-9669

12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

13) State reasons for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: This amendment was included in the recent regulatory agenda.

The full text of the Proposed Amendments begins on the next page.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE F: EMPLOYEE BENEFITS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## PART 2110

## STATE OF ILLINOIS DEPENDENT CARE ASSISTANCE PLAN

## SUBPART A: INTRODUCTION AND DEFINITIONS

Section  
2110.10  
2110.20  
2110.30

Summary and Purpose of Plan  
Plan Number  
Definitions

## SUBPART B: ADMINISTRATION

Section  
2110.110  
2110.120

Role of the Department  
Expenses of Administration

## SUBPART C: PARTICIPATION

Section  
2110.210  
2110.220  
2110.230  
2110.240

Date of Participation  
Insufficient Salary  
Errors  
Reinstatement of Former Participant (Repealed)

## SUBPART D: ELECTION TO RECEIVE DEPENDENT CARE ASSISTANCE

Section  
2110.310  
2110.320  
2110.330  
2110.340

Election Procedure  
Irrevocability of Election  
Maximum Dependent Care Assistance  
Minimum Dependent Care Assistance

## SUBPART E: DEPENDENT CARE ASSISTANCE ACCOUNTS

Section  
2110.410  
2110.420  
2110.430  
2110.440

Establishment of Accounts  
Crediting of Accounts  
Debiting of Accounts  
Forfeiture of Accounts

## SUBPART F: PAYMENT OF DEPENDENT CARE ASSISTANCE ACCOUNTS

Section  
2110.510

Claims for Reimbursement

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

## Reimbursement of Participant

2110.520 Exclusions  
2110.530 Statements  
2110.540

## SUBPART G: TERMINATION OF PARTICIPATION

Section  
2110.610  
2110.620

Termination or Death of Participant  
Fraud

## SUBPART H: MISCELLANEOUS

Section  
2110.710  
2110.720  
2110.730  
2110.740  
2110.750  
2110.760  
2110.770  
2110.780  
2110.790  
2110.800  
2110.810

Non-discrimination  
Illegality of a Particular Provision  
Applicable Law  
Rights Against the Employer  
Effect on Pension  
Effect on Social Security  
Benefits Solely From General Assets  
Nonassignability of Rights  
Tax Consequences  
Indemnification of State by Participants  
Right to Amend and Terminate Reserved

**AUTHORITY:** Implementing Sections 125 and 129(d) of the Internal Revenue Code (26 U.S.C. 125 and 129(d)), Section 63b5 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 63b5) [20 ILCS 405/64.2], Section 30c of the State Finance Act (Ill. Rev. Stat. 1991, ch. 127, par. 166c) [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 (Ill. Rev. Stat. 1991, ch. 127, pars. 523 and 529) [5 ILCS 373/3 and 9] and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16].

**SOURCE:** Emergency rules adopted at 10 Ill. Reg. 20248, effective December 1, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 9477, effective April 30, 1987; emergency amendments at 12 Ill. Reg. 11795, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17283, effective October 14, 1988; emergency amendments at 13 Ill. Reg. 214, effective January 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 9259, effective May 31, 1989; amended at 16 Ill. Reg. 13801, effective August 28, 1992; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 2110.440 Forfeiture of Accounts

- a) The amount credited to a Participant's dependent care assistance account for any Plan year shall be used:
- 1) only to reimburse the Participant for Dependent Care Expenses



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

- incurred during such Plan Year, and
- 2) only if the Participant applies for Reimbursement on or before September 30 of the next Plan Year.
  - b) If any balance remains in the Participant's dependent care assistance account for any Plan Year after all Reimbursements hereunder, such balance shall not be carried over to reimburse the Participant for Dependent Care Expenses incurred during a subsequent Plan Year, and shall not be available to the Participant in any other form or manner.
  - c) Any remaining balance shall contain all applicable Employer contributions and shall be in the fund shall be distributed to the Health Insurance Reserve Fund.
    - 1) distributed to all Plan Participants of record as of June 30 equally as additional Compensation unless
    - 2) such balance is less than \$25 times the number of Participants in which case the balance will be transferred to the General Revenue Fund.
  - d) Such distribution to all Plan Participants shall be before December 31.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: State of Illinois Medical Care Assistance Plan
- 2) Code Citation: 80 Ill. Adm. Code 2120
- 3) Section number: Proposed Action:  
2120.440 Amendment
- 4) Statutory Authority: Implementing Sections 105(h), 125 and 213(d) of the Internal Revenue Code (26 U.S.C. 105(h), 125, and 213(d)), Section 64.2 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 63b5) [20 ILCS 405/64.2], Section 30c of the State Finance Act (Ill. Rev. Stat. 1991, ch. 127, par. 166c) [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 (Ill. Rev. Stat. 1991, ch. 127, pars. 523 and 529) [5 ILCS 375/3 and 9] and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment will remove the forfeiture distribution provisions from the Medical Care Assistance Plan (MCAP). If this change is approved, any gains from forfeitures will be distributed to the Health Insurance Reserve Fund (HIRF), and any program losses will be covered by HIRF. This will help assure the financial viability of the program.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple  
720 Stratton Office Building  
Springfield, IL 62706  
(217)782-9669

- 12) Initial Regulatory Flexibility Analysis: Does not apply to small

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
NOTICE OF PROPOSED AMENDMENT  
TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE F: EMPLOYEE BENEFITS  
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
PART 2120  
STATE OF ILLINOIS MEDICAL CARE ASSISTANCE PLAN  
SUBPART A: INTRODUCTION AND DEFINITIONS

Section  
2120.10 Summary and Purpose of Plan  
2120.20 Plan Number  
2120.30 Definitions

SUBPART B: ADMINISTRATION

Section  
2120.110 Role of the Department  
2120.120 Expenses of Administration

SUBPART C: PARTICIPATION

Section  
2120.210 Date of Participation  
2120.220 Insufficient Salary  
2120.230 Errors

SUBPART D: ELECTION TO RECEIVE MEDICAL CARE ASSISTANCE

Section  
2120.310 Election Procedure  
2120.320 Irrevocability of Election  
2120.330 Maximum Medical Care Assistance  
2120.340 Minimum Medical Care Assistance

SUBPART E: MEDICAL CARE ASSISTANCE ACCOUNTS

Section  
2120.410 Establishment of Accounts  
2120.420 Crediting of Accounts  
2120.430 Debiting of Accounts  
2120.440 Forfeiture of Accounts

SUBPART F: PAYMENT OF MEDICAL CARE ASSISTANCE ACCOUNTS

Section  
2120.510 Claims for Reimbursement  
2120.520 Reimbursement of Participant

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
NOTICE OF PROPOSED AMENDMENT

businesses.

- 13) State reasons for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: This amendment was included in the recent regulatory agenda.

The full text of the Proposed Amendments begins on the next page.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

2120.530 Exclusions  
2120.540 Statements

## SUBPART G: TERMINATION OF PARTICIPATION

Section  
2120.610 Termination or Death of Participant  
2120.620 Fraud

## SUBPART H: MISCELLANEOUS

Section  
2120.710 Non-discrimination  
2120.720 Illegality of a Particular Provision  
2120.730 Applicable Law  
2120.740 Effect on Pension  
2120.750 Effect on Social Security  
2120.760 Benefits Solely From General Assets  
2120.770 Nonassignability of Rights  
2120.780 Tax Consequences  
2120.790 Indemnification of State by Participants  
2120.800 Right to Amend and Terminate Reserved

**AUTHORITY:** Implementing Sections 105(h), 125, and 213(d) of the Internal Revenue Code (26 U.S.C. 105(h), 125, and 213(d)), Section 64.2 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 63b5), [20 ILCS 405/64.2], Section 30c of the State Finance Act (Ill. Rev. Stat. 1991, ch. 127, par. 166c) [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 (Ill. Rev. Stat. 1991, ch. 127, pars. 523 and 529) [5 ILCS 375/3 and 9] and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16].

**SOURCE:** Emergency rules adopted at 12 Ill. Reg. 11810, effective July 1, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 17296, effective October 17, 1988; amended at 14 Ill. Reg. 18998, effective November 14, 1990; amended at 16 Ill. Reg. 13811, effective August 28, 1992; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 2120.440 Forfeiture of Accounts

- a) The amount credited to a Participant's medical care assistance account for any Plan Year shall be used:
  - 1) only to reimburse the Participant for Medical Care Expenses incurred during such Plan Year, and
  - 2) only if the Participant applies for Reimbursement on or before December 31 of the next Plan Year.
- b) If any balance remains in the Participant's medical care assistance account for any Plan Year after all Reimbursements hereunder, such

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENT

balance shall not be carried over to reimburse the Participant for Medical Care Expenses incurred during a subsequent Plan Year, and shall not be available to the Participant in any other form or manner. Such balance shall be used to reimburse the Medical Care Assistance Plan for any reimbursements to Participants in excess of deposits that were not recovered as provided in Section 2120.610 of this Part.

d) Any remaining balance ~~shall contain all apportionable Employer contributions and shall be~~ in the fund shall be distributed to the Health Insurance Reserve Fund.

1) distributed to all the year's Plan Participants of record as of June 30 equally as additional Compensation by the Department unless

2) such balance is less than 525 times the number of Participants in which case the balance will be transferred to the General Revenue Fund.

e) Such distribution shall be before March 31 of the next following year.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULE

1) Heading of the Part: Summary Document, Disclaimer and Notice

2) Code Citation: 50 Ill. Adm. Code 3401

3) Section Numbers:                      Proposed Action:

3401.10	New Section
3401.20	New Section
3401.30	New Section
3401.40	New Section
3401.Illustration A	New Section
3401.Illustration B	New Section

4) Statutory Authority: Implementing and authorized by Section 531.19 of the Illinois Insurance Code [215 ILCS 5/531.19].

5) A Complete Description of the Subjects and Issues Involved: Pursuant to P.A. 88-364, effective August 16, 1993, the Department is promulgating this new Rule.

6) Will this proposed rule replace emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed Rule contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This Rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Eve Blackwell, Staff Attorney	Denise Fuchs, Paralegal
Department of Insurance	Department of Insurance
320 West Washington	320 West Washington
Springfield, Illinois 62767	Springfield, Illinois 62767
(217) 782-2867	(217) 785-8560

12) Initial Regulatory Flexibility Analysis: The Department has determined that this Rule will not affect small businesses.

The full text of the Proposed Rule begins on the next page:

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULE

## TITLE 50: INSURANCE

## CHAPTER I: DEPARTMENT OF INSURANCE

## SUBCHAPTER 11: LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION

## PART 3401

## SUMMARY DOCUMENT, DISCLAIMER AND NOTICE

Section	
3401.10	Applicability
3401.20	Purpose
3401.30	Definitions
3401.40	Delivery of Documents Required
ILLUSTRATION A	Disclaimer and Summary Document
ILLUSTRATION B	Notice

AUTHORITY: Implementing and authorized by Section 531.19 of the Illinois Insurance Code [225 ILCS 5/531.19].

SOURCE: Adopted at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 3401.10 Applicability

This Part shall apply to insurance companies that offer policies or contracts described in Section 531.03 of the Illinois Insurance Code [215 ILCS 5/531.03].

## Section 3401.20 Purpose

The purpose of this Part is to establish the form and content of the Summary Document, Disclaimer and Notice required by Section 531.19 of the Illinois Insurance Code [215 ILCS 5/531.19] for use prior to, or at the time of delivery of a policy or contract which is, or is not covered by the Illinois Life and Health Insurance Guaranty Association.

## Section 3401.30 Definitions

"Disclaimer" means the language required by Section 531.19(c) of the Illinois Insurance Code [215 ILCS 5/531.19(c)] which shall appear conspicuously on the face of the Summary Document. The Disclaimer and Summary Document are established by Illustration A of this Part.

"Notice" means the language required by Section 531.19(d) of the Illinois Insurance Code [215 ILCS 5/531.19(d)] and established by Illustration B of this Part, which discloses that a policy or contract is not covered by the Life and Health Insurance Guaranty Association.



DEPARTMENT OF INSURANCE  
NOTICE OF PROPOSED RULE

**Section 3401. ILLUSTRATION A Disclaimer and Summary Document**

ILLINOIS  
LIFE AND HEALTH INSURANCE GUARANTY  
ASSOCIATION LAW

Residents of Illinois who purchase health insurance, life insurance, and annuities should know that the insurance companies licensed in Illinois to write these types of insurance are members of the Illinois Life and Health Insurance Guaranty Association. The purpose of this Guaranty Association is to assure that policyholders will be protected, within limits, in the unlikely event that a member insurer becomes financially unable to meet its policy obligations. If this should happen, the Guaranty Association will assess its other member insurance companies for the money to pay the covered claims of policyholders that live in Illinois (and their payees, beneficiaries, and assignees) and, in some cases, to keep coverage in force. The valuable extra protection provided by these insurers through the Guaranty Association is not unlimited, however, as noted below.

ILLINOIS LIFE AND  
HEALTH INSURANCE GUARANTY ASSOCIATION  
DISCLAIMER

The Illinois Life and Health Insurance Guaranty Association provides coverage of claims under some types of policies if the insurer becomes impaired or insolvent. COVERAGE MAY NOT BE AVAILABLE FOR YOUR POLICY. Even if coverage is provided, there are substantial limitations and exclusions. Coverage is generally conditioned on continued residence in Illinois. Other conditions may also preclude coverage.

You should not rely on availability of coverage under the Life and Health Insurance Guaranty Association Law when selecting an insurer. Your insurer and agent are prohibited by law from using the existence of the Association or its coverage to sell you an insurance policy.

The Illinois Life and Health Insurance Guaranty Association or the Illinois Department of Insurance will respond to any questions you may have which are not answered by this document. Policyholders with additional questions may contact:

Illinois Life and Health Insurance Guaranty Association  
8420 West Bryn Mawr Avenue  
Chicago, Illinois 60631  
(312) 714-8080

DEPARTMENT OF INSURANCE  
NOTICE OF PROPOSED RULE

"Summary Document" means a document required by Section 531.19(b) of the Illinois Insurance Code [215 ILCS 5/531.19(b)], which describes the general purposes and current limitations of the Illinois Life and Health Insurance Guaranty Association Law. The Summary Document shall be prepared and revised, as necessary, by the Illinois Life and Health Insurance Guaranty Association. Subsequent revisions will require approval by the Director of Insurance. The Summary Document shall contain, on its face, the Disclaimer. The Summary Document and Disclaimer are established in Illustration A of this Part.

**Section 3401.40 Delivery of Documents Required**

- a) No insurer shall deliver a policy or contract described in Section 531.03(2)(a) of the Illinois Insurance Code [215 ILCS 5/531.03(2)(a)], and not excluded under Section 531.03(2)(b) of the Illinois Insurance Code [215 ILCS 5/531.03(2)(b)] to a policy or contract holder unless the Summary Document and Disclaimer required by this Part are delivered to the policy or contract holder prior to, or at the time of delivery of such policy or contract.
- b) No insurer or agent shall deliver a policy or contract described in Section 531.03(2)(a) of the Illinois Insurance Code [215 ILCS 5/531.03(2)(a)] and excluded under item (i), (iv), (v), (xi), or (xii) of Section 531.03(2)(b) from coverage under the Illinois Life and Health Insurance Guaranty Association Law, unless the insurer or agent, prior to, or at the time of delivery gives the policy or contract holder a clear and conspicuous copy of the Notice established by Illustration B of this Part.

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULE

Illinois Department of Insurance  
320 West Washington Street  
4th Floor  
Springfield, Illinois 62767  
(217) 782-4515

Summary of General Purposes And  
Current Limitations of Coverage

The Illinois law that provides for this safety-net coverage is called the Life and Health Insurance Guaranty Association Law ("Law") [215 ILCS 5/Art. XXXIII 1/2]. The following contains a brief summary of the Law's coverages, exclusions, and limits. This summary does not cover all provisions, nor does it in any way change anyone's rights or obligations under the Law or the rights or obligations of the Guaranty Association. If you have obtained this document from an agent in connection with the purchase of a policy, you should be aware that its delivery to you does not guarantee that your policy is covered by the Guaranty Association.

## a) Coverage:

The Illinois Life and Health Insurance Guaranty Association provides coverage to policyholders that reside in Illinois for insurance issued by members of the Guaranty Association, including:

- 1) life insurance, health insurance, and annuity contracts;
- 2) life, health or annuity certificates under direct group policies or contracts;
- 3) unallocated annuity contracts; and
- 4) contracts to furnish health care services and subscription certificates for medical or health care services issued by certain licensed entities. The beneficiaries, payees, or assignees of such persons are also protected, even if they live in another state.

## b) Exclusions from Coverage:

- 1) The Guaranty Association does not provide coverage for:
  - A) any policy or portion of a policy for which the individual has assumed the risk;
  - B) any policy of reinsurance (unless an assumption certificate was issued);
  - C) interest rate guarantees which exceed certain statutory limitations;
  - D) certain unallocated annuity contracts issued to an employee benefit plan protected under the Pension Benefit Guaranty Corporation and any portion of a contract which is not issued to or in connection with a specific employee, union or association of natural persons benefit plan or a

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULE

government lottery; or  
E) any portion of a variable life insurance or variable annuity contract not guaranteed by an insurer.

2) In addition, persons are not protected by the Guaranty Association if:

- A) the Illinois Director of Insurance determines that, in the case of an insurer which is not domiciled in Illinois, the insurer's home state provides substantially similar protection to Illinois residents which will be provided in a timely manner; or
- B) their policy was issued by a burial society, a fraternal benefit society, a mutual benefit association, a health maintenance organization, a health services plan corporation, a vision service plan corporation, a dental service plan corporation, or a pharmaceutical service plan corporation.

## c) Limits on Amount of Coverage:

- 1) The Law also limits the amount the Illinois Life and Health Insurance Guaranty Association is obligated to pay. The Guaranty Association's liability is limited to the lesser of either:
  - A) the contractual obligations for which the insurer is liable or for which the insurer would have been liable if it were not an impaired or insolvent insurer, or
  - B) with respect to any one life, regardless of the number of policies, contracts, or certificates:
    - i) in the case of life insurance, \$300,000 in death benefits but not more than \$100,000 in net cash surrender or withdrawal values;
    - ii) in the case of health insurance, \$300,000 in health insurance benefits, including net cash surrender or withdrawal values; and
    - iii) with respect to annuities, \$100,000 in the present value of annuity benefits, including net cash surrender or withdrawal values; and \$100,000 in the present value of annuity benefits for individuals participating in certain government retirement plans covered by an unallocated annuity contract. The limit for coverage of unallocated annuity contracts other than those issued to certain governmental retirement plans is \$5,000,000 in benefits per contract holder, regardless of the number of contracts.

- 2) However, in no event is the Guaranty Association liable for more than \$300,000 with respect to any one individual.



## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULE

## Section 3401.ILLUSTRATION B Notice

## NOTICE

This policy or contract is not covered by the Illinois Life and Health Insurance Guaranty Association. If the company providing this policy or contract is unable to meet its obligations by reason of financial impairment or insolvency, the funds of the Illinois Life and Health Insurance Guaranty Association will not be available to protect the policy or contract holder or beneficiaries, payees, or assignees.

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Lottery (General)

2) Code Citation: 11 Ill. Adm. Code 1770

3) Section Numbers: Proposed Action:

1770.10 Amendment  
1770.60 Amendment  
1770.170 Amendment  
1770.190 Amendment  
1770.200 Amendment

4) Statutory Authority: Implementing and authorized by Sections 7.1 and 7.2 of the Illinois Lottery Law (Ill. Rev. Stat. 1991, ch. 120, pars. 1157.1 and 1157.2) [20 ILCS 1605/7.1 and 7.2] and Executive Order 86-2, effective July 1, 1986.

5) A Complete Description of the Subjects and Issues Involved. The proposed amendment recognizes the limited liability company and limited liability partnership forms of business as established by Public Acts 87-1062 and 88-573, respectively; conforms play options for computer operated Lottery games to those available for instant ticket games and permits the random computer selection of winning numbers, words or symbols, as has previously been proven effective in Lottery promotions and games; provides that all prize payouts will be established in game rules; permits the payment of a prize of \$25,000 or less at a Lottery regional or administrative office as provided in Public Act 88-676; clarifies which employees of certain contractors are prohibited from playing the lottery; and corrects typographical errors.

6) Will this proposed amendment replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203) [30 ILCS 805/3].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be directed to Lisa A. Crites, Rules Coordinator,

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

Illinois Lottery, 201 East Madison, Springfield, IL 62702, (217) 524-5253

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None.
- B) Reporting, bookkeeping or other procedures required for compliance: None.
- C) Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE C: LOTTERY

CHAPTER II: DEPARTMENT OF THE LOTTERY

PART 1770

LOTTERY (GENERAL)

Section	Definitions
1770.10	Selection of Lottery Sales Agents; License Application and Fee;
1770.20	On-Line Status
1770.30	Special Licenses
1770.40	License Revocation Without Prior Notice
1770.50	License Revocation, Suspension or Denial With Prior Notice
1770.60	Conditions of Licensing
1770.70	License to be Displayed
1770.80	Change of Name, Ownership, or Form of Business Organization
1770.90	Delinquent Financial Obligations
1770.100	Bonding of Agents
1770.110	License Expiration and Renewal
1770.120	Agent Financial Adjustments
1770.130	Lost, Stolen, and Damaged Winning Tickets and other Discrepancies
1770.140	Sales by Department Directly
1770.150	Sales, Inspection, Compensation, and Ticket Purchases
1770.160	Lottery Tickets
1770.170	Lottery Games
1770.180	Drawings
1770.190	Prize Payment, Claiming of Prizes and Transfers to Common School Fund
1770.200	Eligibility to Buy
1770.210	Sale of Promotional Items

**AUTHORITY:** Implementing and authorized by Sections 7.1 and 7.2 of the Illinois Lottery Law (Ill. Rev. Stat. 1991, ch. 120, pars. 1157.1 and 1157.2) [20 ILCS 1605/7.1 and 7.2] and Executive Order 86-2, effective July 1, 1986.

**SOURCE:** Filed by the Lottery Control Board July 11, 1974; amended at 2 Ill. Reg. 17, p. 130, effective April 1, 1978; amended at 4 Ill. Reg. 15, p. 201, effective March 30, 1980; codified as 11 Ill. Adm. Code 1670 at 5 Ill. Reg. 10713; transferred from 11 Ill. Adm. Code 1670 (Lottery Control Board) to 11 Ill. Adm. Code 1770 (Department of the Lottery) pursuant to Executive Order 86-2, effective July 1, 1986, at 11 Ill. Reg. 1582; Part repealed, new Part adopted at 13 Ill. Reg. 7908, effective May 16, 1989; amended at 17 Ill. Reg. 18816, effective October 19, 1993; amended at 18 Ill. Reg. 13439, effective August 23, 1994; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1770.10 Definitions



## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

Terms defined in the Act have the same meanings when used in this Part. The following words and terms when used in this Part shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means the Illinois Lottery Law, (Ill. Rev. Stat. 1991, ch. 120, par. 1151 et seq.) [20 ILCS 1605.1] as amended.

"Agent" or "Sales Agent" or "Distributor" means a person and his representative who has been licensed to distribute and/or sell lottery tickets under Sections 9.d, 10 and 10.1 of the Act.

"Applicant" means a person who has applied to the Director for a license to sell lottery tickets to the public.

"Board" means the Lottery Control Board as established by Section 6 of the Act.

"Chairman" means the Chairman of the Lottery Control Board.

"Department" means the Illinois Department of the Lottery.

"Director" means the Director of the Department of Lottery.

"Employee of the Department" means an employee of the Department of the Lottery.

"Game" means any individual or particular type of lottery authorized by the Department.

"License" means a license, issued by the Director pursuant to Section 9 of the Act, under the authority of the Act, for an agent to sell lottery tickets to the public. Licenses shall be effective for an initial period of two years from the date issued by the Department's Licensing Unit. Each license thereafter approved for renewal by the Department will be renewed for a two-year term dated from the date of expiration of the initial or last prior renewal term, as may be appropriate.

"Licensed Agent" or "Lottery Sales Agent" or "Licensed Sales Agent" means a person permitted by a license issued by the Director under the authority of Sections 9.d, 10 and 10.1 of the Act to sell Illinois State Lottery tickets to the public, by an across-the-counter transaction at a specified Point of Sale at a specifically licensed location.

"Lottery" or "State Lottery" means the Lottery established and operated pursuant to the Act.

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

"On-line status" means the ability of an agent to sell computer-generated Lottery game tickets or shares through a terminal connected to a Lottery central system.

"Person" shall be construed to mean and include an individual, association, partnership, corporation, limited liability company or partnership, club, trust, estate, society, company, joint stock company, receiver, trustee, referee, or any other person acting in a fiduciary or representative capacity, who is appointed by a court, or any other combination of individuals. "Person" includes any department, commission, agency or instrumentality of the State, including the Department of the Lottery, and also including any county, city, village, or township and any agency and instrumentality thereof.

"Point of Sale" means the physical location where a licensed agent is authorized to conduct the sale of lottery tickets to the public.

"Prize" means any award, financial or otherwise, awarded to a ticket holder pursuant to the rules of the lottery.

"Related terminal" means any player activated machine or any agent operated terminal in which an owner of an agent location has 50% or greater interest.

"Secretary" means the Secretary of the Lottery Control Board.

"Special License" means a license issued by the Director limited in geographic scope and/or duration of validity, pursuant to Section 1770.30 of this Part.

"State Lottery Fund" means the special fund created in the State Treasury by Section 20 of the Act, in which all revenues received by the State Lottery, as defined and limited by Section 20 of the Act, are deposited.

"Ticket" means a lottery ticket or share issued by the Department for sale to the general public.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1770.60 Conditions of Licensing

Lottery sales licenses are subject to the following conditions of licensing:

- a) The lottery sales license issued by the Department shall be issued to a person, as defined by Section 1770.10, for a specified point of sale, as defined by Section 1770.10, on the condition that the

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

authorized dispensing machine basis only on the business premises designated in the license, and shall not conduct sales to off-premises customers by telephone, mail, parcel delivery service, or through an agent-sponsored vehicle such as a club, players' association, or similar entity;

- m) No lottery ticket shall be sold to a person under the age of 18 years;
- n) Each licensee shall hold the Department and the State of Illinois harmless with respect to any liability arising in connection with agent ticket sales activities;
- o) Each licensee shall immediately report to the Department the loss or theft of any lottery tickets consigned to the licensee, with the ticket identification numbers;
- p) Each licensee shall redeem all winning instant game tickets presented to the licensee for prizes of less than \$600. Each on-line agent shall redeem all winning tickets of any Lottery games presented to the licensee for prizes of less than \$600;
- q) No license shall be granted to any applicant whose prior license has been revoked pursuant to these rules, when the effective date of the revocation has been less than two years prior to the date of the current application;
- r) No licensed agent shall sell lottery tickets or shares issued by any governmental entity, foreign or domestic, other than tickets and shares for games operated by Illinois State Lottery;
- s) All lottery proceeds are funds of the State of Illinois, must be separately segregated from other business or personal funds, must be held in trust on behalf of the Illinois Lottery, and the agent must, under penalty of law, maintain a separate bank account exclusively for deposit and transfer of weekly lottery fund settlements by means of an Electronic Fund Transfer system. The account must be designated on the bank's records as "Lottery Trust Fund Account."

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1770.170 Lottery Games

- a) The Director may authorize instant ticket games in which winners are determined by matching certain of the numbers, letters, characters, words or devices as provided by the rules of the game. Instant game rules may also provide for preliminary and grand prize drawings. Preliminary drawings will be conducted at the Lottery Central offices to determine semifinalists for Grand Prize drawings. Preliminary drawings will be from those tickets or shares eligible for entry into the preliminary drawing and submitted to the Department as part of the preliminary drawing pool in such manner and by such deadline as may be provided by departmental directive. Preliminary drawings shall be open to the public and notice of such drawings shall be posted in the State of Illinois Center in the City of Chicago and the Department's

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

licensed sales agent maintains eligibility under the applicable criteria under which the license was granted by the Director, as defined in Section 1770.20;

- b) Licensees shall, at all times during the term of licensure, comply with the Act and any rules, instructions of the Director concerning the security of lottery equipment, tickets or money;
- c) Each licensed agent shall make available for sale to the public, during its normal business hours, those Illinois State Lottery ticket products which the agent has been licensed to sell. No agent shall offer for sale any gambling or gaming tickets or chances other than those for which the agent is specifically licensed by the Illinois Department of the Lottery or other department, board or commission of the State of Illinois;
- d) No license issued pursuant to the Act shall be transferable or assignable;
- e) Lottery sales licenses and placards stating game play odds for Lottery games shall be displayed in a conspicuous place on the business premises where the lottery tickets are licensed to be sold;
- f) Lottery licensees shall actively promote the sale of Illinois State Lottery tickets;
- g) Licensees shall maintain authorized displays, drop boxes, equipment and properly display other promotional materials used in conjunction with sales in accordance with instructions issued by the Department. Each licensee will be held responsible for all tickets accepted from the Department or its distribution agents, by licensee, its agents or employees. All unsold tickets and receipts from sales, less commissions from such sales and less such sums as have been paid by licensees to winners of prizes in the manner prescribed by directives of the Department, shall be returned to the Department or its distribution agents by the stated settlement deadlines. Tickets not returned by settlement deadlines dates shall be considered to have been purchased by the agent;
- h) Each agent shall maintain current and accurate records of all operations in conjunction with sales in conformity with rules of the Department. Such records shall be made available to representatives of the Department and the Auditor General of Illinois;
- i) No person shall sell a ticket or share at a price greater or less than that fixed by rule of the Department, provided, the Department may enter into ticket couponing and ticket discount couponing promotions in support of marketing activities. No "service" charge, "handling fee" or other cost shall be added by any person to the established price of a ticket or share. No person shall charge a fee to redeem valid winning tickets or shares;
- j) No license as an agent to sell lottery tickets or shares shall be issued to any person to engage in business exclusively as a lottery sales agent;
- k) No person other than a lottery sales agent shall sell lottery tickets;
- l) Licensed agents shall sell lottery tickets on a face-to-face or

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

Central offices in the City of Springfield, Illinois, at least five days prior to such drawing. Grand prize drawings shall be conducted pursuant to the rules of the game, and copies of written procedures to be followed at Grand Prize drawings will be furnished each finalist prior to a drawing.

b) The Department may offer passive lottery games wherein tickets bear pre-assigned numbers or words. Winners in such games shall be determined either by the results of future events or by publicly held drawings wherein randomly drawn numbers are selected and tickets with numbers matching those drawn shall entitle the ticket holder to the prize indicated on the ticket and in accordance with the prize structure established by the game rules.

c) The Department may offer computer operated games where players are permitted to purchase tickets bearing player-selected numbers, letters, characters, words or devices or computer selected numbers, letters, characters, words or devices, as provided by the rules of the game, for drawings which are regularly scheduled in accordance with game rules. With respect to such games, the Director shall conduct drawings using air-driven or gravity selection equipment (including but not limited to, devices utilizing air-driven ball selection, gravity mixing chamber ball selection, spinning wheel and ball selection or similar equipment, and utilizing either hollow or solid balls appropriate to the type of equipment utilized), or utilizing a computerized random selection program. In the case of drawings conducted using air-driven or gravity selection equipment, drawings shall be by random selection in the presence of a certified public accountant who will monitor the integrity of the drawing procedure. For any game utilizing computerized random selection, the selection program will be subject to a software acceptance test by the Department prior to implementation.

d) Players holding tickets with numbers, letters, characters, words or devices corresponding to those drawn in the several games, or which in combination with those drawn meet the criteria for prize award set forth in game rules, corresponding to those drawn in the several games shall be entitled to prizes in the amounts set forth in game rules to be established by the Director, provided that:

1) Prizes awarded in connection with the games commonly known as "lotto" or "little lotto" or any variation thereon by any name otherwise designated, shall be awarded as follows:

A) Grand prizes for the game known as "lotto" shall be determined by the Director prior to each drawing based upon an estimate of ticket sales and securities prices, and the grand prize paid shall not exceed the amount so determined.

B) Grand prizes for the game known as "little lotto" shall be determined by the Director prior to each drawing based on an estimate of ticket sales, and the grand prize paid shall not exceed the amount so determined.

C) Second and third prizes for "lotto" and "little lotto" shall be

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

awarded on the basis of the prize pool available in accordance with the prize structure established by game rules.

2) For prizes awarded in connection with pari-mutuel games offered by the Department, the prize pool for each level of prize offered per drawing will be expressed as a percentage of total ticket sales for the drawing, unless guaranteed at a higher amount determined by the Director.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 1770.190 Prize Payment, Claiming of Prizes and Transfers to Common School Fund

a) The prize structure may vary with each game and will be established at the beginning of the game by the Director. The prize structure, odds of winning, the manner in which winners are determined, the claim period for the game and various procedural matters will be set forth in game rules and play instructions.

b) Claims for all prizes as designated in game rules and directives issued by the Department and in the amount of less than \$600 may be claimed by presenting winning tickets to Lottery sales agents, within such agent claim periods as may be established by the Director in game rules for the various games. Agents shall pay such prizes directly from Lottery ticket sales funds on hand, or when instructed by the Department, by filing the winning tickets and claim forms with the Department. Claims presented for payment at agent locations after the agent claim period established in game rules shall be presented to any Department office for payment. When a claim is presented to any agent for payment, the claimant shall present the ticket to the agent, complete the name and address portions on the reverse of the ticket and show identification. The agent, after following verification procedures which establish that the ticket is a winning ticket for the drawing date on the ticket and examining the ticket for alteration, shall pay the claimant or his or her authorized representative directly.

c) Prizes of \$600 up to \$25,000 may be paid by Lottery regional or administrative offices, subject to established claim periods and validation tests. All claims for prizes of more than \$25,000, as well as claims for lesser prizes not paid by Lottery regional offices, administrative offices or by an agent pursuant to subsection (b) of this Section, must be paid centrally by the Department. Claimants may obtain claim forms from any lottery on-line ticket sales agent, any departmental regional office, or the Department's administrative offices in Chicago or Springfield, Illinois. When initiating a claim at any of the aforesaid offices, a claimant shall present proof of identification and the winning ticket. The agent or Department



## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

employee, as applicable, will assist the claimant in filling out the claim form which will be signed by the agent or employee and by the claimant or his or her authorized representative. The claimant or authorized representative will receive a copy of the claim form as a receipt. The winning ticket and a copy of the claim form will be sent to the Department's central offices in Springfield, Illinois, for verification. When the ticket is verified as a winning ticket, the prize, or first installment thereof in the case of installment awards will be mailed to the claimant.

- d) Prizes of less than \$600 claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, shall be claimed in the individual name of one of the partners or members of the group. Payment of any claim filed on behalf of such an individual group member shall be in the same manner as if filed on behalf of a single claimant.
- e) Prizes of \$600 up to \$1,000,000 claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, may be claimed in the individual name of one of the partners or members of the group. Any claim filed on behalf of such an individual group member shall be filed in the same manner as if filed on behalf of a single claimant, but must be accompanied by a form 5754 setting forth the names, addresses, social security numbers and prize shares of all other persons entitled to a share of the prize. The Department will process a voucher payable to each individual listed on the form 5754, dividing the winnings equally, or as otherwise designated on the form 5754. The Department will then process payment vouchers to the office of the Comptroller for preparation of warrants and end of year income tax withholding documents. Claim and payment may be made in a partnership name only if the partnership furnishes a Federal Employer's Identification Number (FEIN).

- f) Prize payment warrants for prizes in the amount of \$1,000,000 or more claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, will be made out to a partnership as a single payee, or to each of the individual partners or members, as requested in writing by the winners and provided that each individual's gross annual payment will equal or exceed \$5,000. Partnership claims shall include the name, address and Federal Employer's Identification Number of the partnership, the ticket and claim form must be signed by one of the general partners on behalf of the partnership, and the claim form must be accompanied by a form 5754 setting forth the names, addresses, social security numbers and prize shares of each partner. Prior to payment, the partnership must submit a written partnership agreement evidencing, at a minimum, that an oral agreement for group play existed prior to the purchase of the winning lottery ticket. The partnership agreement shall be subject to review by the Department's legal staff, and may not contain provisions contrary to law. Where separate checks have been

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

requested, the partnership must additionally furnish payment instructions for each partner. Upon approval, the Department will then process separate vouchers for payment of the proportionate share due each of the several claimants.

- g) Lottery clubs, charitable organizations, corporations, partnerships and other "artificial" persons shall be eligible to purchase lottery tickets. However, with respect to awards of prizes for life, such "artificial" persons shall be entitled to the minimum guaranteed prize.
- h) Except as provided herein, for the game commonly known as "Lotto" the Department and the State Treasurer will invest sufficient funds to purchase federal securities equal to the Grand Prize amount, less 1/20th of that amount to be paid in cash at the time of the prize claim (the balance of the prize to be paid in nineteen annual installments). The Grand Prize will be divided by the number of Grand Prize winners to determine the prize amount per winner. If the number of Grand Prize winners is greater than the number of millions of dollars in the advertised Grand Prize, the cash available will be divided by the number of winners and paid in a single lump sum. The amount of lower tier prizes will be determined by dividing each of the prize pools by the number of winners for each respective prize level, and rounding each prize payment down to the nearest fifty cents.

- 1) Payment of prize installments due with respect to a prize due a winner whose death occurs prior to payment of the final installment may be accelerated. Any prize, or portion thereof remaining unpaid at the death of a winner, may be paid to the estate of such deceased prize winner, or to the designated trustee under a revocable living trust established by the deceased prize winner, as settlor, provided that a copy of such trust has been filed with the Department, along with a notarized letter of direction from the settlor, and no written notice of revocation has been received by the Department prior to the settlor's death. Following such a settlor's death and prior to any payment to such a successor trustee, the Director shall obtain from the trustee and each trust beneficiary a written agreement to indemnify and hold the Department harmless with respect to any claims that may be asserted against the Department arising from payment to, or through the trust.

- 2) At the election of the estate or successor trustee, the estate or trustee may have the option to request, within six months from the date of death, that the annuity or equivalent investment securities procured by the Department for purposes of generating annual installment prize payments be liquidated at current market value and paid over to the personal representative of the estate or beneficiary successor trustee, as appropriate. Upon receipt of notice of election to liquidate the remaining prize, if the prize payment has been structured through purchase of an annuity and the annuity contract permits early liquidation, the

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

Department shall promptly notify the annuity company and request that the annuity be liquidated and the commuted (check) value be paid to the personal representative or successor trustee. If the Department has procured investment securities to generate income for satisfaction of future prize installments, the Department, as soon as practicable after such notification, and without jeopardy to the common investment position of securities purchased in connection with payment of future installments to other winners of Grand Prizes from the same drawing date as decedent, shall offer such securities for market sale and shall pay the personal representative or successor trustee the proceeds of sales attributable to decedent's prize. Prior to such distribution, the Department shall deduct from the proceeds of sales such sum as may be required to absorb from the share of the party requesting liquidation, any penalties or losses incidental to sale, and to restore the investment position of securities purchased with respect to any other same-date winners to the position held prior to liquidation. The balance of the proceeds of sale attributable to decedent's prize shall be distributed. Prior to authorizing accelerated liquidation of any prize, the Department shall obtain from each personal representative or successor trustee requesting such liquidation a complete release of any further liability of the Department for further payment with respect to the decedent's prize upon liquidation as provided herein, and the Department in liquidating the investment vehicle for any such prize shall be discharged of any further liability with respect to such prize beyond the amount actually realized through liquidation. Any election pursuant to this subsection must be in writing and shall be irrevocable.

i) Cash prizes must be claimed within a claim period set by Departmental directive and the game rules establishing claim periods for the respective games offered by the Department. Unclaimed prize money shall be retained by the Director for the person entitled thereto, for the claim period after the date of the drawing in which the prize is won, as established by game rule. Thereafter, said unclaimed prize funds will be managed as provided in statute.

j) Winning tickets which provide entry into a Preliminary Grand Prize drawing for any instant game must be filed with the Department by the deadline established in the game rules. Entry tickets filed after the Preliminary Grand Prize qualification drawing for the game with respect to which the tickets were sold will be entered into the Preliminary Grand Prize Drawing pool for the next game drawing subsequent to filing of such tickets, provided that no such ticket will be eligible for entry into a subsequent drawing unless filed with the Department, within 120 days of the announced end of the game for which the ticket was originally sold, provided, however, that the Director may establish lesser claim periods for specific games by directive and game rule.

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PROPOSED AMENDMENTS

k) For prizes in excess of \$10,000, a winner must identify his or her place of employment, if any, to ensure the winner is not prohibited from lottery play by the Act or these rules. For partnership claims, each partner must furnish employment information.

l) The net revenues accruing from the sale of lottery tickets shall be determined by deducting from total revenues the payments of prizes to holders of winning tickets and payment of costs incurred in the operation and administration of the Department. The Department may transfer income in excess of current operating needs to the Common School Fund.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1770.200 Eligibility to Buy

No ticket shall be purchased by, and no prize shall be paid to any of the following persons:

- a) Any member of the Board or any officer or other person employed by the Board or by the Department; also any employees of any TV station from which lottery drawings originate who are directly involved in the production of drawing telecasts, including floor director camera operators, stage hands, character generator operators, air control technicians, announcer and performer for each telecast; the employees of any advertising agency, public relations agency or any consultant employed by the Department who are directly involved in a Lottery engagement; and further those employees, of audit firms, performing on site contractual audit services with respect to Department's operations. In the event the Director determines that purchases of tickets by employees of any vendor of goods or services to the Department or Board may jeopardize the security or integrity of the Lottery, the Director will provide by rule or by contract with the vendor that no ticket shall be purchased by, and no prize shall be paid to any, officer or
- b) Any spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any person designated in subsection (a) of this Section.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Aid to Families with Dependent Children
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers:
  - 112.148
  - 112.300
  - 112.306
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)(305 ILCS 5/12-13), P. L. 100-203, P. L. 101-508 and 45 CFR 233.20
- 5) Complete Description of the Subjects and Issues Involved: Section 13 of P. L. 100-203 (OBRA-87) amended section 475(4) of title IV-E to provide that where a child lives with his or her minor parent in the same foster family home or child-care institution, the foster care payment of the minor parent must include an amount necessary to cover the maintenance and other costs for the well-being of the child. This section also amended section 402(a)(24) of title IV-A of the Social Security Act to require that, for the period for which such costs are covered, the child will not be regarded as a member of an AFDC assistance unit for purposes of determining the amount of assistance and his or her income and resources shall not be attributed to the AFDC assistance unit. In accordance with federal law and regulations concerning AFDC and AFDC-F, these proposed amendments establish that a child receiving foster care and his or her child or children are not eligible for AFDC cash assistance. They are eligible for medical assistance under AFDC-F. This rulemaking also provides that a specified relative caring for a foster child or children in their home may qualify for AFDC (adult only) cash and/or medical assistance.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.70	Amendment	July 22, 1994 (18 Ill. Reg. 11461)
112.78	Amendment	July 22, 1994 (18 Ill. Reg. 11461)
112.110	Amendment	October 21, 1994 (18 Ill. Reg. 15495)
112.151	Amendment	October 21, 1994 (18 Ill. Reg. 15495)

DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:  
  
Judy Umunna  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Ave. E., 3rd Floor  
Springfield, IL 62762  
(217) 524-3215
- 12) Initial Regulatory Flexibility Analysis:  
  
The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act (5 ILCS 100/5-40).
- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 112

## AID TO FAMILIES WITH DEPENDENT CHILDREN

## SUBPART A: GENERAL PROVISIONS

## Section

112.1 Description of the Assistance Program  
112.5 Incorporation by Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section

112.8 Caretaker Relative  
112.9 Client Cooperation  
112.10 Citizenship  
112.20 Residence  
112.30 Age  
112.40 Relationship  
112.50 Living Arrangement  
112.52 Social Security Numbers  
112.54 Assignment of Medical Support Rights  
112.60 Lack of Parental Support or Care  
112.61 Death of a Parent  
112.62 Incapacity of a Parent  
112.63 Continued Absence of a Parent  
112.64 Unemployment of the Parent

## SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

## Section

112.70 Participation Requirements for JOBS  
112.71 Individuals Exempt from JOBS  
112.72 JOBS Participation/Cooperation Requirements  
112.73 Failure to Participate with the Work Incentive Demonstration Program (Renumbered)  
112.74 JOBS Initial Assessment Process/Development of an Employability Plan  
112.76 JOBS Orientation  
112.77 Conciliation and Fair Hearings  
112.78 JOBS Components  
112.79 JOBS Sanctions  
112.80 Good Cause for Failure to Comply with JOBS Participation Requirements  
112.81 Responsible Relative Eligibility for JOBS  
112.82 JOBS Supportive Services  
112.83 Young Parents Program  
112.84 Work Experience Evaluation Project  
112.85 Four Year College Vocational Training Demonstration Project

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART E: PROJECT ADVANCE

Section  
112.86 Project Advance  
112.87 Project Advance Experimental and Control Groups  
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers  
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers  
112.90 Project Advance Sanctions  
112.91 Good Cause for Failure to Comply with Project Advance  
112.93 Individuals Exempt From Project Advance  
112.95 Project Advance Supportive Services

## SUBPART F: EXCHANGE PROGRAM

## Section

112.98 Exchange Program

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

## Section

112.100 Unearned Income  
112.101 Unearned Income of Stepparent or Parent  
112.105 Budgeting Unearned Income  
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision  
112.107 Initial Receipt of Unearned Income  
112.108 Termination of Unearned Income  
112.110 Exempt Unearned Income  
112.115 Education Benefits  
112.120 Incentive Allowances  
112.125 Unearned Income In-Kind  
112.126 Earmarked Income  
112.127 Lump Sum Payments  
112.128 Protected Income  
112.130 Earned Income  
112.131 Earned Income Tax Credit  
112.132 Budgeting Earned Income  
112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision  
112.134 Initial Employment  
112.135 Budgeting Earned Income For Contractual Employees  
112.136 Budgeting Earned Income For Non-Contractual School Employees  
112.137 Termination of Employment  
112.138 Transitional Payments (Repealed)  
112.140 Exempt Earned Income  
112.141 Earned Income Exemption  
112.142 Exclusion From Earned Income Exemption

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

112.143	Recognized Employment Expenses
112.144	Income From Work/Study/Training Program
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers (Repealed)
112.155	AFDC Income Limit

## SUBPART H: PAYMENT AMOUNTS

Section
112.250
112.251
112.252
112.253
112.254

## Grant Levels

Payment Levels in AFDC

Payment Levels in AFDC Group I Counties

Payment Levels in AFDC Group II Counties

Payment Levels in AFDC Group III Counties

## SUBPART I: OTHER PROVISIONS

Section
112.300
112.301
112.302
112.303
112.304
112.305
112.306
112.307
112.308
112.309
112.315
112.320
112.330

Persons Who May Be Included in the Assistance Unit

Presumptive Eligibility

Monthly Reporting

Retrospective Budgeting

Budgeting Schedule

Strikers

Foster Care Program

Responsibility of Sponsors of Aliens

Special Needs Authorizations

Institutional Status

Young Parent Program (Renumbered)

Redetermination of Eligibility

Extension of Medical Assistance Due to Increased Income from Employment

Four Month Extension of Medical Assistance Due to Child Support Collections

Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)

New Start Payments to Individuals Released from Department of Corrections Facilities

## SUBPART J: CHILD CARE

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Section	Child Care
112.350	Child Care Eligibility
112.352	Qualified Provider
112.354	Notification of Available Services
112.356	Participant Rights and Responsibilities
112.358	Additional Service to Secure or Maintain Child Care Arrangements
112.362	Rates of Payment for Child Care
112.364	Method of Providing Child Care
112.366	Non-JOB'S Education and Training Program
112.370	

## SUBPART K: TRANSITIONAL CHILD CARE

Section
112.400
112.404
112.406
112.408
112.410
112.412
112.414
112.416
112.418

Transitional Child Care Eligibility

Duration of Eligibility for Transitional Child Care

Loss of Eligibility for Transitional Child Care

Qualified Child Care Providers

Notification of Available Services

Participant Rights and Responsibilities

Child Care Overpayments and Recoveries

Fees for Service for Transitional Child Care

Rates of Payment for Transitional Child Care

**AUTHORITY:** Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13) [305 ILCS 5/art. IV and 12-13].

**SOURCE:** Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3631, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 19, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; emergency amendment at 13 Ill. Reg. 16142, effective



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16006, effective October 6, 1989; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

### Section 112.148 Payments from the Illinois Department of Children and Family Services

#### Foster Care Payments

- a) The following foster care payments made by the Department of Children and Family Services (DCFS) are to be considered exempt unearned income when determining the eligibility of the assistance unit (exclusive of the foster child and his or her child or children, if any).
  - 1) Basic maintenance payments.
  - 2) Special service fee payments.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- 3) Intensive service fee payments.
- 4) Monthly retainer fee payments.
- 5) Adoption Subsidies.
- b) Independent living arrangement payments.
  - 1) Payments made by DCFS to wards living independently of a foster home shall be considered nonexempt unearned income when determining the eligibility of the ward and his or her child or ward's children for cash assistance.
  - 2) Wards of DCFS who are receiving Independent Living Arrangement payments must be included in the assistance unit with their child or children, if otherwise eligible.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART I: OTHER PROVISIONS

### Section 112.300 Persons Who May Be Included in the Assistance Unit

- a) The assistance unit must include at least one eligible child.
  - 1) No more than two of the following individuals may also be included as adults:
    - A) The caretaker relative;
    - B) The parent of an eligible child;
    - C) The spouse of the caretaker relative if the caretaker relative is a parent of one of the children and the spouse lives in the home; or
    - D) A needy relative other than the caretaker relative whose presence is essential in the home to provide care for the eligible children.
  - 2) An individual is defined as needy if the individual's income minus employment deductions, if appropriate, is less than a "per person" grant amount (i.e., payment level divided by the number in the assistance unit, including the essential person).
- b) In order for an assistance unit to be eligible, an application with respect to a dependent child must also include, if living in the same household and otherwise eligible for assistance:
  - 1) Any natural or adoptive parent of the dependent child; and
  - 2) Any blood-related or adoptive brother or sister of the dependent child.
- c) The eligibility of a child in an Assistance assistance unit depends on that child's lack of parental support or care. All eligible dependent children, blood related siblings and stepchildren in a family unit shall be included in a single case.
- d)
  - 1) A pregnant woman, who would be eligible for AFDC when the child is born, may receive assistance as an Adult only. Financial assistance is limited to the last four months of pregnancy.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- 2) A pregnant woman who is receiving or is eligible to receive cash assistance as a dependent child in an AFDC case is not eligible for cash assistance as an Adult only pregnant woman.
- e) The caretaker ~~relative(s)~~ or relatives of a child receiving SSI or Foster Care/Adoption Assistance who would otherwise be eligible for AFDC, may receive assistance as an Adult only case.
- f) A child on Foster Care Assistance (except Independent Living) and the foster child's own child or children are not eligible for AFDC cash assistance.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 112.306 Foster Care Program

- a) A child is eligible for Aid to Families with Dependent Children - Foster Care (AFDC - F) when:
- 1) The child has been removed from the home of a specified relative as a result of court action, is a child for whom DCFS is legally responsible, and has been placed in foster care (foster care home, or private non-profit, group home institution) which is licensed or approved by the Department of Children and Family Services;
  - 2) The child was eligible for and receiving AFDC in or for the month in which court action was initiated leading to placement;
  - 3) The child met the citizenship, age, residence, need, and lack of parental support or care criteria for AFDC at the time of initiation of court action and lived with a specified relative at any time within the six (6) months prior to the initiation of court action leading to placement;
  - 4) The child continues to meet AFDC eligibility requirements of age, need, lack of parental support or care, and registration/participation requirements;
  - 5) A child who lives with a parent receiving AFDC-F may also receive AFDC-F.
- b) An application for AFDC-F must be signed by an authorized representative of the Department of Children and Family Services.
- c) Assistance under the AFDC-F program is effective from the latter of the date:
- 1) that a completed application is received by the Department; or
  - 2) the child is actually placed in foster care.
- d) A foster parent who is a specified relative of an eligible foster child placed in the foster parent's care may receive assistance for the child under either the AFDC-R/AFDC-U or the AFDC-F program.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Numbers: Proposed Action:
- |         |           |
|---------|-----------|
| 113.253 | Amendment |
| 113.260 | Amendment |

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)[305 ILCS 5/12-13]

- 5) Complete Description of the Subjects and Issues Involved: A grant adjustment is an allowance for Aid to the Aged, Blind or Disabled cases that ensures that the amount of the SSI increase from July 1977 and later will be available to clients. To comply with federal regulations, this rulemaking increases the grant adjustment and sheltered care rate amounts by the amount of the increase in Social Security and Supplemental Security Income (SSI) benefits to ensure that the cost of living increase is passed on to the recipient. Persons receiving both SSA and SSI will receive a total increase of 2.8% for both benefits. The increase is received in the January 1995 SSA/SSI checks. However, the \$30 SSI benefits for persons in long term care facilities remains the same. As a result of the \$12 increase in January 1995 SSA/SSI benefits, these proposed amendments increase the grant adjustment and the sheltered care rates by \$12.

- 6) Will these proposed amendments replace emergency amendments currently in effect? NO

- 7) Does this rulemaking contain an automatic repeal date? NO

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
113.113	Amendment	September 23, 1994 (18 Ill. Reg. 14281)
113.140	Amendment	September 30, 1994 (18 Ill. Reg. 14590)
113.141	Amendment	September 23, 1994 (18 Ill. Reg. 14281)
113.155	Repeal	September 30, 1994 (18 Ill. Reg. 14590)
113.157	Amendment	September 23, 1994 (18 Ill. Reg. 14281)
113.248	Amendment	September 23, 1994 (18 Ill. Reg. 14281)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.





## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

113.116 Budgeting Earned Income For Contractual Employees  
 113.117 Budgeting Earned Income For Non-contractual School Employees  
 113.118 Termination of Employment  
 113.120 Exempt Earned Income  
 113.125 Recognized Employment Expenses  
 113.130 Income From Work/Study/Training Programs  
 113.131 Earned Income From Self-Employment  
 113.132 Earned Income From Roomer and Boarder  
 113.133 Earned Income From Rental Property  
 113.134 Earned Income In-Kind  
 113.139 Payments from the Illinois Department of Children and Family Services  
 113.140 Assets  
 113.141 Exempt Assets  
 113.142 Asset Disregard  
 113.143 Deferral of Consideration of Assets  
 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)  
 113.155 Property Transfers For Applications Filed On Or After October 1, 1989  
 113.156 Court Ordered Child Support Payments of Parent/Step-Parent  
 113.157 Sponsors of Aliens  
 113.160 Assignment of Medical Support Rights

## SUBPART D: PAYMENT AMOUNTS

Section  
 113.245 Payment Levels for AABD  
 113.246 Personal Allowance  
 113.247 Personal Allowance Amounts  
 113.248 Shelter  
 113.249 Utilities and Heating Fuel  
 113.250 Laundry  
 113.251 Telephone  
 113.252 Transportation, Lunches, Special Fees  
 113.253 Allowances for Increase in SSI Benefits  
 113.254 Nursing Care or Personal Care in Home Not Subject to Licensing  
 113.255 Sheltered Care in a Licensed Group Care Facility  
 113.256 Shopping Allowance  
 113.257 Special Allowances for Blind and Partially Sighted (Blind Only)  
 113.258 Home Delivered Meals  
 113.259 AABD Fuel and Utility Allowances By Area  
 113.260 Sheltered Care Rates  
 113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities

## SUBPART E: OTHER PROVISIONS

Section

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

113.300 Persons Who May Be Included In the Assistance Unit  
 113.301 Grandfathered Cases  
 113.302 Interim Assistance  
 113.303 Special Needs Authorizations  
 113.304 Retrospective Budgeting  
 113.305 Budgeting Schedule  
 113.306 Purchase and Repair of Household Furniture (Repealed)  
 113.307 Property Repairs and Maintenance  
 113.308 Excess Shelter Allowance  
 113.320 Redetermination of Eligibility

SUBPART F: INTERIM ASSISTANCE

Section  
 113.400 Description of the Interim Assistance Program  
 113.405 Pending SSI Application  
 113.410 More Likely Than Not Eligible for SSI  
 113.415 Non-financial Factors of Eligibility  
 113.420 Financial Factors of Eligibility  
 113.425 Payment Levels for Chicago Interim Assistance Cases  
 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago  
 113.435 Medical Eligibility  
 113.440 Attorney's Fees for SSI Applicants  
 113.445 Advocacy Program for Persons Receiving Interim Assistance  
 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13) [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956,

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612,

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: PAYMENT AMOUNTS

## Section 113.253 Allowances for Increase in SSI Benefits

- a) An allowance for \$267-99 \$279.90 is authorized for all ARBD cases as a "grant adjustment". A grant adjustment is an allowance that ensures that the amount of the SSI increase from July 1977 and later will be available to clients.
- b) EXCEPTIONS: For clients whose assistance payments include an allowance for Sheltered Care or Care Not Subject to Licensing a "grant adjustment" of \$10.00 is authorized. Individuals receiving Interim Assistance or residing in long term group care facilities do not receive any "grant adjustment".

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 113.260 Sheltered Care Rates

Group II Counties	Needs Assessment	Group III Counties
\$ 664.55	0-7	\$ 676.55
669.55	8	682.55
674.55	9	688.55
679.55	10	694.55
684.55	11	700.55
689.55	12	706.55
694.55	13	712.55
699.55	14	718.55
704.55	15	724.55
709.55	16	730.55
714.55	17	736.55
719.55	18	742.55
724.55	19	748.55
729.55	20	754.55
734.55	21	760.55
739.55	22	766.55
744.55	23	772.55
749.55	24	778.55

- a) Group II Counties are counties other than Cook, DuPage, Kane, Lake and

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

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b) Group III Counties are Cook, DuPage, Kane, Lake and Will.

c) Rate includes shelter factor and approved activity and social rehabilitation programs.

AGENCY NOTE: See 89 Ill. Adm. Code 140.850 through 140.885 for needs assessment guidelines.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Crisis Assistance

2) Code Citation: 89 Ill. Adm. Code 116

3) Section Numbers: Proposed Action:  
 116.400 Amendment  
 116.510 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)[305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: To enhance federal financial participation, these proposed amendments add children and families who receive services from the Department of Children and Family Services (DCFS) to the list of groups eligible to receive Special Assistance and Emergency Assistance. This rulemaking also extends the timeframe for those served by homeless shelters.

As a result of these proposed amendments, Emergency Assistance may be provided for children and families served by DCFS who are in the following situations:

1. Children who are abused, neglected, dependent or abandoned;
2. Children who are in emergency situations where continued presence in the home is not in the best interests of the child; and
3. Children who are at risk of removal from the home because of abuse, neglect, or inability of parents to provide care.

The following kinds of assistance may be authorized for children and families served by DCFS:

1. Shelter care, relative and non-relative foster care, residential, group care or any other appropriate placement for children separated from their parents;
2. Housing advocacy, shelter repairs, utilities, cash assistance, furniture, transportation and other assistance to prevent placement of a child;
3. Case management, counseling, therapy, psychological testing and evaluation or any other service provided; and
4. Parenting education and training, household management training, homemaker support services and any other service provided to alleviate emergency condition.

This rulemaking establishes that for DCFS and Homeless Family Project Emergency Assistance, Emergency Assistance for children and families must be authorized within a single 30-day period no less than 12 months after the beginning of the family's last Emergency Assistance period. The

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

recipient may only receive emergency assistance during one period of 30 consecutive days in any 12 consecutive months. For homeless shelter, however, the maximum duration is 180 days or less as necessary to alleviate the emergency condition.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762, (217) 524-3215. The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable

B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 116  
CRISIS ASSISTANCE

Section  
116.10 Incorporation By Reference  
116.400 Crisis Assistance Programs  
116.500 Special Assistance Program  
116.510 Emergency Assistance Program  
116.520 Hardship Program (Repealed)

**AUTHORITY:** Implementing Articles III, IV, and VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 6-1 et seq. and 12-13) [305 ILCS 5/Arts. III, IV and VI and 12-13].

**SOURCE:** Filed and effective December 30, 1977; amended at 4 Ill. Reg. 13, p. 1287, effective March 17, 1980; amended at 5 Ill. Reg. 12722, effective October 28, 1981; codified at 7 Ill. Reg. 5195; emergency amendment at 9 Ill. Reg. 18154, effective November 15, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 11027, effective June 11, 1986; amended at 11 Ill. Reg. 6487, effective March 17, 1987; amended at 12 Ill. Reg. 14207, effective August 30, 1988; amended at 13 Ill. Reg. 3847, effective March 10, 1989; amended at 14 Ill. Reg. 16970, effective September 30, 1990; amended at 15 Ill. Reg. 16719, effective November 1, 1991; emergency amendment at 15 Ill. Reg. 16772, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5350, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13961, effective September 1, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1078, effective January 15, 1993; amended at 17 Ill. Reg. 19188, effective October 25, 1993; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 116.400 Crisis Assistance Programs**

- a) The Department administers Crisis Assistance Programs which include the Special Assistance Program and the Emergency Assistance Program.
- b) The following groups of families are eligible for the Special Assistance and Emergency Assistance Programs:
  - 1) Families that receive aid to families with dependent children (AFDC) financial assistance or who meet all the eligibility criteria of the AFDC program (see 89 Ill. Adm. Code 112) (Section 4-12 of the Illinois Public Aid Code, Ill. Rev. Stat. 1991, ch. 23, par. 4-12 [305 ILCS 5/4-12]);
  - 2) families, ineligible for AFDC financial assistance, that contain a child under age 21 and meet the financial eligibility criteria

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

of the AFDC program. However, families ineligible for AFDC are not eligible for Special Assistance for non-medical needs related to essential medical care;

- 3) Pregnant women whose pregnancy has been medically confirmed who would be eligible for the AFDC program if the child were born (Section 4-12 of the Illinois Public Aid Code, Ill. Rev. Stat. 1991, ch. 23, par. 4-12 [305 ILCS 5/4-12]); and

- 4) Children and families who receive services from the Department of Children and Family Services (DCFS).

- c) Assistance provided through any of the Crisis Assistance Programs shall not be considered as income in computing the regular assistance grant.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 116.510 Emergency Assistance Program**

Emergency Assistance may be provided in the following situations:

- a) Lost or Stolen Cash  
When as a result of lost or stolen cash, a family is deprived of food or essential clothing, the following amounts may be authorized:
  - 1) Food, in amounts as specified in Section 116.500(c) and not to exceed the amount of cash which was lost or stolen.
  - 2) Essential clothing, as defined and in amounts as specified in Section 116.500(b) and (c) and not to exceed the amount of cash which was lost or stolen.
- b) Court Ordered Eviction Due to Non-Payment of Rent  
When a family is deprived of shelter or threatened with immediate deprivation of shelter due to court order requiring eviction due to non-payment of rent, payment for rent shall, if all eligibility criteria for the Emergency Assistance Program are met, be authorized in an amount not to exceed the following maximums:

Counties	Rent
Group I Counties	\$142.00
Group II Counties	\$123.00
Group III Counties	\$ 87.00
(See 89 Ill. Adm. Code 113.253 for County Groupings)	

- c) Emergency Shelter  
The Department shall reimburse private and public social service agencies with whom the Department has written agreements for emergency shelter and food provided to recipients. Reimbursement shall be made in amounts and in accordance with those agreements.
- d) Emergency Assistance for DCFS Children and Families.
  - 1) Emergency Assistance may be provided for children and families served by DCFS who are in the following situations:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- A) Children who are abused, neglected, dependent or abandoned;  
 B) Children who are in emergency situations where continued presence in the home is not in the best interests of the child; and

C) Children who are at risk of removal from the home because of abuse, neglect, or inability of parents to provide care.

- 2) For children and families served by DCFS the following kinds of assistance may be authorized:

A) Shelter care, relative and non-relative foster care, residential, group care or any other appropriate placement for children separated from their parents;

B) Housing advocacy, shelter repairs, utilities, cash assistance, furniture, transportation and other assistance to prevent placement of a child;

C) Case management, counseling, therapy, psychological testing and evaluation or any other service provided; and

D) Parenting education and training, household management training, homemaker support services and any other service provided to alleviate emergency condition.

- 3) Program Restrictions - DCFS and Homeless Family Project Emergency Assistance

Emergency Assistance for children and families must be authorized within a single 30-day period no less than 12 months after the beginning of the family's last Emergency Assistance period.

e) Program Restrictions - IDPA Emergency Assistance Restriction

The recipient may only receive emergency assistance during one period of thirty (30) consecutive days in any twelve (12) consecutive months. This may include payments to meet needs which occur before or extend beyond the thirty (30) day period. For homeless shelter, the maximum duration is 180 days or less as necessary to alleviate the emergency condition. For recipients participating in the Homeless Families Support Project, see Section 170.30.

e-f) Time Limits -

1) A decision shall be made and assistance authorized within the time frames established in Section 116.500(d).

2) Payment shall be made to the private and public social services agencies, within time limits specified in the written agreements.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Special Eligibility Groups

- 2) Code Citation: 89 Ill. Adm. Code 118

- 3) Section Number: Proposed Action:

118.300 Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)(305 ILCS 5/12-13)

- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments implement provisions of 1634(d) of the Social Security Act. This rulemaking removes the age limit criteria as an eligibility factor for the group of widows and widowers who are eligible for medical assistance without regard to income eligibility requirements. As a result of these proposed amendments, the 60 through 64 age requirement will no longer have to be met for these individuals to receive medical assistance under the Aid to the Aged, Blind or Disabled (AABD) Program.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

- 12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable

B) Types of small businesses affected: None



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None
- The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 118

## SPECIAL ELIGIBILITY GROUPS

## SUBPART A: DISABLED ADULT CHILDREN

Section  
118.100 Disabled Adult Children

## SUBPART B: PERSONS WITH ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) OR AIDS RELATED COMPLEXES (ARC)

## Section

118.150 Continuation of Health Insurance Coverage  
118.200 Drugs to Prolong the Lives of Persons With Acquired Immunodeficiency Syndrome (AIDS) or AIDS Related Complexes (ARC)

## SUBPART C: WIDOWS AND WIDOWERS

Section  
118.300 Widows and Widowers

## SUBPART D: MISCELLANEOUS PROGRAM PROVISIONS

## Section

118.400 Incorporation By Reference

**AUTHORITY:** Implementing Articles III, IV, VI and Section 5-18 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 6-1 et seq., 5-18 and 12-13) [305 ILCS 5/Arts. III, IV, VI and 5-18 and 12-13].

**SOURCE:** Emergency rule adopted at 12 Ill. Reg. 3037, effective January 15, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 6301, effective March 18, 1988; amended at 12 Ill. Reg. 8068, effective April 26, 1988; amended at 13 Ill. Reg. 3950, effective March 10, 1989; amended at 14 Ill. Reg. 10442, effective June 20, 1990; emergency amendment at 15 Ill. Reg. 8708, effective June 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 11607, effective July 15, 1992; emergency amendment at 17 Ill. Reg. 11217, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19956, effective November 12, 1993; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: WIDOWS AND WIDOWERS

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

## Section 118.300 Widows and Widowers

Individuals who meet the following criteria are eligible, without regard to income eligibility requirements, for medical assistance under the Aid to the Aged, Blind or Disabled (AABD) Program.

a) Disabled ~~widows/widowers~~ widows and widowers who:

- 1) were entitled to benefits under Title II of the Social Security Act (SSA) for December 1983;
- 2) were entitled to and received SSA disabled widow's/widower's benefits for January 1984;
- 3) are ineligible for Supplemental Security Income (SSI) and/or State Supplemental Payment (SSP) due to the increase in widow's or widower's benefits;
- 4) have been continuously entitled to widow's or widower's benefits since the first month of the benefit increase; and
- 5) would be eligible for SSI and/or SSP if the amount of the increase and any subsequent cost of living adjustments in widow's or widower's benefits were disregarded.

b) ~~Widows/Widowers~~Widows and Widowers receiving early benefits who:

- 1) ~~are age-sixty-four through sixty-four~~ ~~are age-sixty-four through sixty-four~~;
- 2) are eligible for and receiving early widow's or widower's benefits under Title II of the Social Security Act;
- 3) are not entitled to Medicare Part A (hospital insurance) as determined by the Social Security Administration; and
- 4) received SSI but are now ineligible for SSI benefits or SSP because of receipt of Title II benefits.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

Local Health Protection Grant Rules

2) Code Citation:

77 Ill. Adm. Code 615

3) Section Numbers:

615.210

Proposed Action:

Amendment

4) Statutory Authority:

Implementing and authorized by Division 5-25 of the Counties Code (Ill. Rev. Stat. 1991, ch. 34, par. 5-25001 et seq.) [55 ILCS 5]; the Public Health District Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1.01 et seq.) [70 ILCS 905]; the Illinois Municipal Code (Ill. Rev. Stat. 1991, ch. 24, par. 1-1-1 et seq.) [65 ILCS 5]; and Section 55 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55) [20 ILCS 2310/55].

5) A Complete Description of the Subjects and Issues Involved:

This rulemaking, except for the provision regarding the 3.3% cost-of-living increase, is the result of discussions with the Illinois Association of Public Health Administrators. The rulemaking will:

- a. Increase the minimum annual local health protection grant award to local health departments (LHD's) from \$22,500 to \$23,250, effective April 1, 1995. The Department's FY 1995 budget includes a 3.3% cost-of-living rate increase for the Local Health Protection Grants, and this adjustment in the minimum award is needed to accommodate this cost-of-living increase.
- b. Allocate income (40%) and assessed valuation (10%) portions of the formula to all LHD's -- based upon each jurisdiction's per capita income and per capita assessed valuation relative to the maximum LHD's income and assessed valuations, respectively. This allocation would be in addition to the longstanding practice of allocating funds only to LHD's with less than the Statewide average per capita income/assessed valuation, based upon a comparison of each jurisdiction's per capita income/assessed valuation to the Statewide averages.
- c. For multi-county LHD's, ensure that each receives no less than it would as an individual county health department.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- d. Limit the annual % change (either increase or decrease) in the local health protection grant formula calculation for each LHD to 15%.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain Any Incorporations By Reference? No

9) Are there any other Proposed Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives:

The rulemaking will increase the minimum awards under this program. Because of the change in allocation methodology, local health departments not receiving the minimum may receive an increase or a decrease in their awards.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. Devito, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, within 45 days after this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 17, 1995

B) Type of Small Businesses Affected:

Small businesses will not be affected by this rulemaking.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

No new reporting procedures are required by this rulemaking.

D) Types of Professional Skills Necessary for Compliance: None.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 77: PUBLIC HEALTH

## CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

## SUBCHAPTER h: LOCAL HEALTH DEPARTMENTS

## PART 615

## LOCAL HEALTH PROTECTION GRANT RULES

## SUBPART A: GENERAL

Section  
615.100 Definitions  
615.110 Incorporated Materials

## SUBPART B: ADMINISTRATION OF LOCAL HEALTH PROTECTION GRANTS

Section  
615.200 Eligibility  
615.210 Award and Use of Grant Funds  
615.220 Review and Consultation; Plan of Correction  
615.230 Waiver of Requirements

## SUBPART C: PROGRAM STANDARDS

Section  
615.300 Infectious Diseases  
615.310 Food Protection  
615.320 Potable Water Supply  
615.330 Private Sewage Disposal  
615.340 Common Requirements

## SUBPART D: DUE PROCESS

Section  
615.400 Denial, Suspension or Revocation of Grant Application or Grant Agreement  
615.410 Procedures for Hearings

## APPENDIX A Recommended Policies and Procedures for Immunization Clinics

AUTHORITY: Implementing and authorized by Division 5-25 of the Counties Code (Ill. Rev. Stat. 1991, ch. 34, par. 5-25001 et seq.) [55 ILCS 5]; the Public Health District Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1.01 et seq.) [70 ILCS 905]; the Illinois Municipal Code (Ill. Rev. Stat. 1991, ch. 24, par. 1-1-1 et seq.) [65 ILCS 5]; and Section 55 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55) [20 ILCS 2310/55].

SOURCE: Filed October 20, 1977; Part repealed, new Part adopted at 5 Ill. Reg. 1415, effective July 1, 1981; codified at 8 Ill. Reg. 16335; amended at 14 Ill.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Reg. 805, effective January 1, 1990; Part repealed, new Part adopted by emergency rules at 17 Ill. Reg. 13002, effective July 21, 1993, for a maximum of 150 days; emergency expired on December 18, 1993; Part repealed, new Part adopted at 18 Ill. Reg. 4320, effective March 1, 1994; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

## SUBPART B: ADMINISTRATION OF LOCAL HEALTH PROTECTION GRANTS

## Section 615.210 Award and Use of Grant Funds

a) The Department shall award Local Health Protection Grant funds and the following methodology developed in cooperation with the Illinois Association of Public Health Administrators and which is based upon the following criteria: population; per capita income; and per capita assessed valuation.

## 1) Minimum and Maximum Grant Awards.

A) Subject to the availability of appropriation authority, prior to April 1, 1995, the minimum grant award to any participating local health department shall be \$22,500 annually; and the minimum annual grant award to any participating multi-county local health department shall be \$22,500 times the number of counties in the multi-county local health department. Effective April 1, 1995, the minimum grant award to any participating local health department shall be \$23,250; and the minimum annual grant award to any participating multi-county local health department shall be \$23,250 times the number of counties in the multi-county local health department.

B) The Department may also establish maximum annual grant awards, dependent upon the total annual Local Health Protection Grant appropriation level, the three allocation criteria, and/or the availability of other State or federal funds for performing the required Program Standards in this Part.

2) Application of the Criteria. After setting aside any amounts for minimum and/or maximum grant awards:

A) Fifty percent (50%) of the annual Local Health Protection Grant funds shall be allocated based upon the population of the local health departments' jurisdictions.

B) Forty percent (40%) of the annual grant funds shall be allocated based upon the per capita incomes of the local health departments' jurisdictions. Each local health department will receive an allocation for this criterion that is directly proportional to the difference between the highest per capita income level for any participating local

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

health department and its jurisdiction's per capita income level. In addition, those whose local health departments serving jurisdictions with less than the average per capita income will receive an allocation for this criterion which is directly proportional to the difference between the statewide average per capita income and their jurisdiction's per capita income level.

C) Ten percent (10%) of the annual grant funds shall be allocated based upon the per capita assessed valuations of local health departments' jurisdictions. Each local health department will receive an allocation for this criterion that is directly proportional to the difference between the highest per capita assessed valuation level for any participating local health department and its jurisdiction's per capita assessed valuation. In addition, those whose local health departments serving jurisdictions with less than the statewide average per capita assessed valuation will receive an allocation for this criterion which is directly proportional to the difference between the statewide average per capita assessed valuation and their jurisdiction's per capita assessed valuation level.

3) Multi-County Local Health Departments. The annual grant award for each participating multi-county local health department shall equal or exceed the sum of the annual grant awards that its individual counties could receive as county health departments.

4) Maximum Annual Change. The Department may establish a maximum allowable annual change (increase/decrease) or a maximum allowable annual percentage change (% increase/% decrease) in the grant award for participating local health departments.

b) Prior to the award of grant funds, the Department and the local health department shall execute a grant agreement wherein the local health department, at a minimum, agrees to:

1) fulfill the requirements of this Part; and

2) provide program statistical information to the Department. The requested information will be developed in cooperation with the Illinois Association of Public Health Administrators.

c) Local Health Protection Grants may be used by the local health department for any health protection program or service including, but not limited to, Infectious Diseases, Food Protection, Potable Water Supply, and Private Sewage Disposal. The grants are intended to supplement other federal, State and local funds available to support local health protection programs, including the four programs that must be assured for participation. Provided the four programs are assured, the local health department may use the grant funds for any health protection program, activity or service or for shared management or administrative support costs.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

\_\_\_\_\_ )

DEPARTMENT OF REHABILITATION SERVICES  
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Application
- 2) Code Citation: 89 Ill. Adm. Code 557
- 3) Section Numbers: Proposed Action:  
557.20 New Section
- 4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(a), (b), and (k)) [20 ILCS 2405/3(a), (b) and (k)].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking adds back a Section which was previously repealed. The Section states a customer will be served by the office serving the geographic area in which the customer lives, with certain exceptions.  
After having repealed the Section previously, it was determined such provisions were necessary for adequate caseload management by field staff.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this rulemaking contain incorporations by reference? No.
- 9) Are there any other proposed rulemakings pending on this part? Yes.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
557.50	New Section	18 Ill. Reg. 12625
557.60	New Section	18 Ill. Reg. 12048

- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, IL 62794-9429  
(217) 785-3896 TTY: (217) 785-9301

If because of physical disability you are unable to put comments into

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENT

writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER b: VOCATION<sup>2</sup> REHABILITATION

PART 557  
APPLICATION

Section  
557.10 General Applicability  
557.20 Geographical Client Customer Assignment {Repeated}  
557.30 Application Required  
557.40 Who May Sign

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. Ann. Ch. 26, Sec. 3434(a), (b), and (k)) [20 ILCS 2405/3(a), (b) and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8755, effective June 10, 1985; amended at 11 Ill. Reg. 820, effective December 23, 1986; amended at 11 Ill. Reg. 15220, effective August 31, 1987; amended at 12 Ill. Reg. 12099, effective July 7, 1988; amended at 13 Ill. Reg. 16552, effective October 10, 1989; emergency amendments at 17 Ill. Reg. 11654, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20341, effective November 15, 1993; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 557.20 Geographical Client Customer Assignment {Repeated}

A customer will be served by the office assigned to the geographic area of the customer's residence. Exceptions to such assignment will only be made when:

- a) the customer has temporarily relocated to participate in an IWRP (89 Ill. Adm. Code 572) and DORS has a counselor specifically assigned to the program in which the customer will be participating; or
- b) with written approval of the Regional Administrator or Deputy Director of the appropriate bureau.

(Source: Old Section repealed at 17 Ill. Reg. 20341, effective November 15, 1993, new Section added at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Assessment for Determining Eligibility and Rehabilitation Needs
- 2) Code Citation: 89 Ill. Adm. Code 553
- 3) Section Numbers: Proposed Action:  
553.20 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(a), (b), and (k))[20 ILCS 2405/3(a), (b), and (k)].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments add the definition of "individual with a disability" from the Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1992 (P.L. 102-569) to the text of the rule. This is done to assist the reader as previously the rule only contained the citation to the definition.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this rulemaking contain incorporations by reference? No.
- 9) Are there any other proposed rulemakings pending on this Part? No.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
553.35	New Section	13048
553.60	Amendments	13048
553.105	New Section	13048

- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-3896

Telephone Number: (217)785-3896

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TTY: (217)785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER b: VOCATIONAL REHABILITATION

## PART 553

ASSESSMENT FOR DETERMINING ELIGIBILITY AND  
REHABILITATION NEEDS

Section	General Applicability
553.10	Basis for the Determination of Eligibility
553.20	Presumption of Benefit from Vocational Rehabilitation Services
553.30	Eligibility Determination Time Frames
553.40	Outcome of the Eligibility Determination
553.50	Documentation of Eligibility Factors/Preliminary Assessment
553.60	Certification of Eligibility
553.70	Extended Evaluation
553.80	Outcome of Extended Evaluation
553.90	Comprehensive Assessment of Rehabilitation Needs
553.100	Outcome of the Comprehensive Assessment of Rehabilitation Needs
553.110	Change in Eligibility Status
553.120	Order of Selection
553.130	Criteria for Severe Disability
553.140	

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(a), (b), and (k)) [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11657, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20346, effective November 15, 1993; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 553.20 Basis for the Determination of Eligibility

An individual shall be determined to be eligible to receive services through the VR Program if he/she:

- a) is an individual with a disability as defined in Section 7(8)(A) of the Rehabilitation Act of 1973 (29 USCA 701 et seq.), as amended (Act). Pursuant to the Act, to be an individual with a disability, an individual must have a physical or mental impairment which results in a substantial impediment to employment, and who can benefit from vocational rehabilitation services in terms of an employment outcome; and
- b) requires VR services to prepare for, enter, engage in, or retain gainful employment.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Client Financial Participation
- 2) Code Citation: 89 Ill. Adm. Code 562
- 3) Section Numbers:  
562.20 Proposed Action:  
562.30 amendments  
amendments
- 4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(a), (b), and (k)) [20 ILCS 2405/3 (a), (b) and (k)].
- 5) A Complete Description of the Subjects and Issues Involved: Changes to Section 562.20 remove the automatic exemption from customer financial participation in the cost of services for Supplemental Security Income (SSI) recipients.

Changes to Section 562.30 clarify that, to receive a service listed in this Section, the customer must need and be eligible to receive the services. Previously, it could be interpreted that these services could be provided regardless of need or eligibility.

Further changes to Section 562.30 clarify only the job coaching portion of Supported Employment Program (SEP) services is exempt from customer financial participation and add services through the Secondary Transitional Experience Program (STEP) as a service exempt from required customer financial participation.

Assistive Technology Services has been added to the list of unusual allowable expenses which are used in determining customer financial participation.

Finally, special information regarding the completion of the financial analysis for families of one for training cases has been eliminated as this information is now incorrect with DORS previously adopted amendments to 89 Ill. Adm. Code 590 - Services, Subpart J - Maintenance.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this rulemaking contain incorporations by reference? No.
- 9) Are there any other proposed rulemakings pending on this part? No.
- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429

Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896

T.D.D./T.T.Y.: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Amendment begins on the next page:



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER b: VOCATIONAL REHABILITATION

## PART 562

## CLIENT FINANCIAL PARTICIPATION

## Section

- 562.10 General Applicability  
562.20 Exclusions from Economic Needs Test  
562.30 Financial Participation  
562.40 Parental or Guardian Participation in Completing the Financial Analysis Form  
562.50 Client Emancipation (Repealed)  
562.60 Consideration of Settlements from Litigation or Other Sources  
562.70 Refusal to Financially Participate  
562.80 Timing of Financial Analysis  
562.90 Impact of Review of Financial Analysis  
562.100 Exclusion for Public Aid Recipients (Repealed)

## TABLE A

## Determination Table for Client Participation

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 991, ch. 23, par. 3434(a), (b), and (k)) [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8763, effective June 10, 1985; amended at 11 Ill. Reg. 4021, effective February 18, 1987; amended at 11 Ill. Reg. 15223, effective August 31, 1987; amended at 11 Ill. Reg. 19127, effective November 9, 1987; amended at 12 Ill. Reg. 20827, effective November 30, 1988; amended at 13 Ill. Reg. 2866, effective February 17, 1989; amended at 14 Ill. Reg. 1466, effective January 8, 1990; amended at 14 Ill. Reg. 18555, effective November 5, 1990; amended at 15 Ill. Reg. 10179, effective June 24, 1991; amended at 15 Ill. Reg. 18750, effective December 17, 1991; amended at 17 Ill. Reg. 3895, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 11676, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20356, effective November 15, 1993; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 562.20 Exclusions from Economic Needs Test

The economic needs test shall be presumptively met by clients who are recipients of benefits from ~~state or federal welfare programs~~ ~~or~~ Aid to Families with Dependent Children (AFDC), ~~Supplemental Security Income~~ ~~or~~ General Assistance ~~and~~ or food stamps. The economic needs test shall also be presumptively met by a dependent of a recipient of such benefits. DORS shall require proof that a client is a recipient, or dependent of a recipient, of such benefits. A copy of a check, or award letter or food stamp book, as appropriate, from the Illinois Department of Public Aid (DPA), ~~the~~ ~~Sectet~~

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

~~Security--Administration~~ or General Assistance Office shall be attached to the ~~client's financial analysis (Analysis) (IL 488-0265). See--eligibility~~ ~~precludes--the--need--to--complete--a--financial--analysis--for--a--client--who--is--a~~ ~~minor--regardless--of--the--income--status--of--his/her--parents/guardians.~~

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 562.30 Financial Participation

a) If the economic needs test has not been presumptively met, a financial analysis to evaluate the financial ability of the client, or client's family, to share in the purchase of vocational rehabilitation services shall be applied to all Department of Rehabilitation Services (DORS) services (as contained in 89 Ill. Adm. Code: Chapter IV, Subchapter b, "Vocational Rehabilitation" (VR)) except the following, which may be provided to a client without regard to financial need as long as he/she meets all eligibility criteria to receive that service:

- 1) evaluation of rehabilitation potential, (although VR services other than diagnostic services provided during extended evaluation require application of the financial analysis);
- 2) counseling, guidance, referral and placement (89 Ill. Adm. Code 590(I));
- 3) interpreter, reader, attendant, and note taker services;
- 4) fees for training (i.e., work adjustment, skills, employment) through any approved community rehabilitation program (89 Ill. Adm. Code 530);
- 5) the work/student component of the nine month hearing impaired pre-vocational program at Northern Illinois University;
- 6) services provided through the Secondary Transitional Experience Program (STEP) (89 Ill. Adm. Code 590 - Subpart E);
- 67) fees for on-the-job training (OJT);
- 78) job coaching services provided through the supported employment program (89 Ill. Adm. Code 530.130(a)(2)(B)) ~~(e-g-7---job coaching);~~
- 89) instruction provided by Rehabilitation Instructors and Mobility Instructors in the area of:
  - A) activities of daily living;
  - B) communications skills;
  - C) adjustment counseling; and
  - D) mobility instruction; and

910) "maintenance" (89 Ill. Adm. Code 590 Subpart H) and "other services" (89 Ill. Adm. Code 590 Subpart H) which are in support of an exempt service specified in subsections (a)(1) through (8) above.

b) When the Analysis indicates that the client, spouse, parents or guardians of minor children are able to financially participate in the client's program, their participation is required.

DEPARTMENT OF REHABILITATION SERVICES  
NOTICE OF PROPOSED AMENDMENTS

89 Ill. Adm. Code 590.410(b); or  
F) modifications (not to exceed \$2,000 per year) to a home if necessary (as determined when the counselor and client develop the Individualized Written Rehabilitation Program (IWPP) (89 Ill. Adm. Code 572)) due to client's disability;

or  
G) Assistive Technology Services.

e) Standard Budget Allowance (SBA)

1) The SBA is as follows:

NUMBER OF	DEDUCTIONS CLAIMED	\$ AMOUNT OF ALLOWANCE
ON TAX RETURN		
1		12,247
2		16,428
3		20,609
4		24,790
5		28,971
6		33,152
7		37,333
8		41,514

2) Add \$4,181 for each additional family member beyond eight members.

3) The SBA amount for a family of one is not applicable to a training case (89 Ill. Adm. Code 592); instead, determine the client's planned subsistence costs during a training program and use these as the budget basis.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF REHABILITATION SERVICES  
NOTICE OF PROPOSED AMENDMENTS

c) The Analysis is based upon net available income, which is the client's and/or family unit's total income, minus total outgo.

1) Total income equals earned and unearned income plus any increases or decreases expected by the client for the 2 months following completion of the Analysis.

2) Total outgo equals the Standard Budget Allowance (SBA) plus unusual allowable expenses which the client expects to pay within the 2 months following the completion of the Analysis.

3) Net available income determines the dollar amount of client participation. (See Table A.)

4) Private monetary merit awards (e.g., scholarships), contributions and gifts which are unrestricted as to use are not to be included as available income.

d) For the purposes of completing the Analysis, determining if economic need exists, and determining the amount of client participation, the following definitions/terms are applicable:

1) The "Family Unit" refers to the client, spouse, parents or legal guardians of minor children, or other family members residing in the household who are designated as dependents on the client's, spouse's, or guardian's latest federal income tax return. Individuals eligible for a double exemption for blindness and/or old age on the federal income tax return shall only be counted as one individual for the purpose of the Analysis.

2) "Income" utilizes the definition of gross adjusted income as used by the U.S. Internal Revenue Service (26 CFR 1.62-1(a), (1986)) and as documented by the client's (or client's family's) most recent federal income tax return. The rule incorporated by reference does not include any later amendments or revisions. A copy of the page from the most recent federal income tax return showing adjusted gross income shall be attached to the Analysis.

3) The SBA is the figure established by DORS to be a reasonable amount to cover all necessary expenses for a family unit of a specific size to maintain a modest standard of living.

4) "Unusual Allowable Expenses" are:

- A) prescription medication(s) to treat a physical/mental condition on an ongoing basis. Only those costs exceeding \$100 per year, paid by the client and not covered by insurance or other sources, are allowable;
- B) medically prescribed diets required to treat a physical condition. Only the costs of dietary foods not found in a grocery store are allowable;
- C) costs of disability related medical supplies and prescribed medical services paid by the client and not covered by insurance or other sources;
- D) post-secondary education expenses paid by a parent/guardian for another family member if the individual is claimed as a dependent on the latest federal income tax return;
- E) expenses related to the purchase of a van, as set forth in

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: COLLEGE SAVINGS BOND BONUS INCENTIVE GRANT (BIG) PROGRAM
- 2) Code Citation: 23 Ill. Adm. Code 2771
- 3) Section numbers: Proposed Action:  
     2771.20 Amended  
     2771.30 Amended  
     2721.APPENDIX A Amended
- 4) Statutory Authority: Implementing and authorized by Section 8 of the Baccalaureate Savings Act (Ill. Rev. Stat. 1991, ch. 144, par. 2408) [110 ILCS 920/8].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: The definition of "Qualified Bond Holder" in Section 2771.20 has been modified to include bonds that have an initial maturity of less than 12 months. Such bonds were offered for the first time in the October 1994 bond issue. Rather than needing to hold such a bond for 12 months in order to designate a beneficiary under the BIG program, a person needs to hold the bond for only 6 months. Section 2771.30(a)(1) has been modified to reflect the existing policy that student beneficiaries must be enrolled on at least a half-time basis in order to qualify for Bonus Incentive Grants. Section 2771.30(b)(1)(E) has been amended to add an additional piece of information, the date on which the bond was issued, that is required to be provided by the bond holder to ensure that BIG grants are not issued more than once for the same bond. And finally, the table of grant amounts, in Appendix A, has been updated to include the most recent bond issue.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203) [30 ILCS 805/3] and does not require a local government to establish, expand or modify its activities

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez  
 Compliance Counsel  
 Illinois Student Assistance Commission  
 1755 Lake Cook Road  
 Deerfield, Illinois 60015  
 (708) 948-8500, EXT. 3304

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begins on the following page:



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2771

COLLEGE SAVINGS BOND BONUS INCENTIVE GRANT (BIG) PROGRAM

## Section

2771.10 Summary and Purpose

2771.20 Definitions

2771.30 Program Procedures

## APPENDIX A Table of Grant Amounts

**AUTHORITY:** Implementing and authorized by Section 8 of the Baccalaureate Savings Act (Ill. Rev. Stat. 1991, ch. 144, par. 2408) [110 ILCS 920/8].

**SOURCE:** Emergency rules adopted at 15 Ill. Reg. 15800, effective October 21, 1991, for a maximum of 150 days; emergency expired March 19, 1992; adopted at 16 Ill. Reg. 6873, effective April 14, 1992; amended at 18 Ill. Reg. 10246, effective July 1, 1994; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 2771.20 Definitions

"College Savings Bond" - A State of Illinois General Obligation, zero coupon bond, issued pursuant to the Baccalaureate Savings Act as a long-term education savings plan.

"Compound Accreted Value" - An amount equal to the original amount plus an investment return accrued to the date of determination at a semiannual compounding rate which is necessary to produce the yield at maturity indicated on the Official Statement that was issued when the bonds were sold. The "Compound Accreted Value at Maturity" will be equal to \$5,000 or an integral multiple thereof.

"Education Expenses" - Costs incident to enrollment which may reasonably be incurred during an Academic Year, including tuition and fees, room and board, books and supplies, child care expenses, laundry, travel and other personal expenses related to the Student Beneficiary's attendance at the Eligible Institution. These do not include costs incurred in an academic program of divinity for any religious denomination or in a course of study to become a minister, priest, rabbi or other professional person in the field of religion.

"Eligible Institutions" - Those Institutions which are eligible to participate in the Monetary Award Program (MAP) (see 23 Ill. Adm. Code 2735.60, Institutional Eligibility); but do not include any educational institutions organized solely for the purpose of religious

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

instruction.

"Qualified Bond Holder" - A holder of a College Savings Bond who uses at least 70 percent of the amount redeemed at maturity to finance Educational Expenses incurred by a designated Student Beneficiary at an Eligible Institution. A Qualified Bond Holder may designate one Student Beneficiary for each bond redeemed. In cases where two individuals jointly own a College Savings Bond, only one Student Beneficiary may be designated. To be designated a "Qualified Bond Holder" under this part, the individual must furnish documentation demonstrating that he or she has continuously owned the bond(s) for at least the 12 months preceding the date of maturity, or, in the event of a bond(s) with an original maturity of less than 12 months, for at least the six months preceding the date of maturity. ~~provided~~ ~~however that~~ However, if the bond(s) were acquired during the 12-month period, or six-month period as appropriate, by gift or under the laws of descent and distribution, such holder shall be deemed a Qualified Bond Holder.

"Student Beneficiary" - An individual designated by a Qualified Bond Holder as the recipient of a grant pursuant to this Part and as the beneficiary of at least 70 percent of the bond proceeds paid at maturity. For purposes of this Part, an Applicant may not be designated as the beneficiary of more than \$25,000 worth of bond proceeds in any single academic year.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 2771.30 Program Procedures

## a) Application Procedures

- 1) Applications for a Bonus Incentive Grant (BIG) shall be available from the Illinois Student Assistance Commission (ISAC) and Eligible Institutions.
- 2) A complete application for BIG assistance shall include certifications from: the Qualified Bond Holder(s), the Student Beneficiary and the Registrar of the Eligible Institution at which the Student Beneficiary is Enrolled. On at least a half-time basis.
- 3) A Qualified Bond Holder or a Student Beneficiary may submit a BIG application at any time between August 1st and May 30th for a grant spanning that same Academic Year. All grants under this program are subject to sufficient annual appropriations for this program by the General Assembly.
- 4) ISAC may require applicants to provide documentation verifying that the Qualified Bond Holder owned the bonds for the requisite length of time.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT(S)

- b) Application certifications
- 1) The Qualified Bond Holder(s) shall certify the following for the academic year in which the application is being submitted:
    - A) that the aggregate Compound Accreted Value at maturity of the College Savings Bond(s) was not more than \$25,000;
    - B) that at least 70 percent of the proceeds of the College Savings Bond(s) have been or will be used for Educational Expenses incurred by the Student Beneficiary;
    - C) the name of the Student Beneficiary;
    - D) that no other student has been designated as the Student Beneficiary for the same College Savings Bond; and
    - E) the date on which the bond(s) were issued, the date on which the bond(s) were acquired and the date on which the bond(s) matured.
  - 2) The Student Beneficiaries shall certify the following:
    - A) that their address, Social Security Number and other identifying information is accurate;
    - B) that the Qualified Bond Holder has provided financial assistance, in the amount indicated on the application, for Educational Expenses incurred at an Eligible Institution;
    - C) that they are enrolled in an academic program that is eligible for BIG assistance; and
    - D) that they will use their BIG proceeds to finance Educational Expenses.
  - 3) The Registrar at the Eligible Institution shall certify the enrollment status of Student Beneficiaries.
  - c) BIG proceeds will be paid to Eligible Institutions; however, they may be remitted directly to the Student Beneficiary if the Eligible Institution designates ISAC as its disbursing agent for this purpose.
  - d) The dollar value of the BIG shall be determined according to the Table of Grant Amounts (see Appendix A of this Part); provided, however, that:
    - 1) the Compound Accreted Value of the bonds shall not exceed \$25,000 in any given academic year;  
 Example: A BIG could not be claimed for more than 5 bonds of \$5,000 Compound Accreted Value each in any given year. Even if 12 bonds of \$5,000 Compound Accreted Value each, or \$60,000 total, had been purchased on behalf of a beneficiary, a BIG could be paid only for the first \$25,000.
    - 2) 70 percent of the Compound Accreted Value of the bonds for which a BIG is being claimed in a given academic year does not exceed the beneficiary's cost of attendance at an Eligible Institution for that year.  
 Example: The beneficiary's cost of attending University A is \$14,000. Since \$14,000 is 70 percent of \$20,000, a BIG could not be claimed for bonds with a Compound Accreted Value in excess of \$20,000. Even if 5 bonds of \$5,000 Compound Accreted Value each, or \$25,000 total, had been purchased on behalf of the

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT(S)

- beneficiary, in this case a BIG could be paid only on the first \$20,000.
- e) Both the proceeds of the bond(s) and the BIG assistance must be used by the Student Beneficiary in the Academic Year in which the bond was redeemed or in the academic year immediately following redemption.
  - f) Applicants may request that their eligibility for ISAC Gift Assistance ~~gift--assistance~~ be recalculated to exclude up to \$25,000 in accumulated bonds and interest, pursuant to ISAC Appeal Procedures (see 23 Ill. Adm. Code 2700.70). Recalculations will only be performed for those students who complete the required federal needs analysis process.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

## Section 2771.APPENDIX A Table of Grant Amounts

GRANT AMOUNT PER \$5000 COMPOUND  
ACCRETED VALUE AT MATURITY

GRANT BOND MATURITY (August 1)	1/88 Bond Sale	10/88 Bond Sale	10/89 Bond Sale	10/90 Bond Sale	10/91 Bond Sale
1991	-	-	\$ 40	-	-
1992	-	-	\$ 60	\$ 40	-
1993	\$100	\$100	\$ 80	\$ 60	\$ 40
1994	\$120	\$120	\$100	\$ 80	\$ 60
1995	\$140	\$140	\$120	\$100	\$ 80
1996	\$160	\$160	\$140	\$120	\$100
1997	\$180	\$180	\$160	\$140	\$120
1998	\$200	\$200	\$180	\$160	\$140
1999	\$220	\$220	\$200	\$180	\$160
2000	\$240	\$240	\$220	\$200	\$180
2001	\$260	\$260	\$240	\$220	\$200
2002	\$280	\$280	\$260	\$240	\$220
2003	\$300	\$300	\$280	\$260	\$240
2004	\$320	\$320	\$300	\$280	\$260
2005	\$340	\$340	\$320	\$300	\$280
2006	\$360	\$360	\$340	\$320	\$300
2007	\$380	\$380	\$360	\$340	\$320
2008	\$400	\$400	\$380	\$360	\$340
2009	-	-	\$400	\$380	\$360

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

2010	-	-	\$420	\$400	\$380
2011	-	-	-	\$420	\$400
2012	-	-	-	-	\$420



ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT(S)

GRANT AMOUNT PER \$5000 COMPOUND  
ACCRETED VALUE AT MATURITY

GRANT BOND MATURITY (August 1)	10/92 Bond Sale	10/93 Bond Sale	10/94 Bond Sale
1994	\$40	-	-
1995	\$60	\$40	\$15
1996	\$80	\$60	\$40
1997	\$100	\$80	\$60
1998	\$120	\$100	\$80
1999	\$140	\$120	\$100
2000	\$160	\$140	\$120
2001	\$180	\$160	\$140
2002	\$200	\$180	\$160
2003	\$220	\$200	\$180
2004	\$240	\$220	\$200
2005	\$260	\$240	\$220
2006	\$280	\$260	\$240
2007	\$300	\$280	\$260
2008	\$320	\$300	\$280
2009	\$340	\$320	\$300
2010	\$360	\$340	\$320
2011	\$380	\$360	\$340
2012	\$400	\$380	\$360
2013	\$420	\$400	\$380
2014	-	\$420	\$400
2015	-	\$440	\$420
2016	-	-	\$440

\*If no grant amount is shown, there were no bonds sold at that maturity for that particular issue.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: FEDERAL FAMILY EDUCATION LOAN PROGRAM (FFELP)

2) Code Citation: 23 Ill. Adm. Code 2720

3) Section numbers: Proposed Action:  
 2720.6 Amended  
 2720.10 Amended  
 2720.20 Amended  
 2720.25 Amended  
 2720.30 Amended  
 2720.40 Amended  
 2720.41 Amended  
 2720.42 Amended  
 2720.55 Amended  
 2720.50 Amended  
 2720.70 Amended  
 2720.90 Amended

4) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3080 through 3175) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3020(f)) [110 ILCS 947/20(f)].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: In Section 2720.6, the definitions of "co-maker" and "endorser" have been amended to reflect changes embodied in federal regulations at 34 CFR 682.200, Definitions. Additionally, the common PLUS loan form, which must be used for all such loans certified on or after January 1, 1995, eliminated co-makers on PLUS loans. Now, only secondarily liable endorsers may be used in conjunction with Federal PLUS loans. Equally liable co-makers, as joint borrowers, can still request consolidation loans. A new definition, "master check," has been added to reflect a new payment mechanism now being utilized in the student loan industry. Whereas individual loan checks for each borrower were previously used, lenders may now send to a school a single check for the proceeds of loans to multiple students at that school, pursuant to federal regulations at 34 CFR 682.200 (see the definition of disbursement) and 682.207 (entitled, Due Diligence in Disbursing a Loan). The final definition change in Section 2720.6 is for SIS, to reflect the fact that no new loans are being originated under this program, which was repealed effective July 1, 1994.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

number of larger lenders, all operating either nationally or over large, multi-state regions. In order to continue serving these lenders, ISAC must also be able to operate across state lines.

Section 2720.10(e),(f) and (g) have all been amended to reflect a change in federal regulations, which has eliminated specific annual loan limits, and has made schools more responsible for ensuring adherence to aggregate loan limits. The example contained in Section 2720.10(f) was deleted since it was deemed to be representative of only one set of circumstances, and not broad enough to be fully illustrative. ISAC feels that such instruction is better provided to program participants through our training activities and publications. Minor changes have been made to Section 2720.20(a) to use terminology which better reflects all current guaranteed student loan programs, and also to indicate that "lender agreement" is a general term, not the name of the actual form used.

Section 2720.30(i) has been added to better deal with the unique circumstances of foreign schools participating in ISAC's guaranteed student loan programs. Institutions located outside of the United States often operate quite differently than American schools. Due to the difficulty of evaluating the administrative capability and financial stability of foreign institutions, ISAC will rely on the expertise of the U.S. Department of Education in scrutinizing these applications, as a precondition to participation with ISAC. Section 2720.40(c)(1) and (3) have both been modified to reflect the inclusion of unsubsidized Stafford loans under the lender of last resort requirements. Section 2720.40(f) has been revised to reflect the previously amended definitions of co-makers and endorsers with regard to Federal PLUS loans.

Section 2720.41(a) has deleted a reference to the residency requirements which are being eliminated from Section 2720.10(b). Section 2720.42(a)(2) has been revised to clarify that separate loans must be sold simultaneously only when they have been made under the same common application/promissory note. Previously, this section inadvertently implied that loans made from separate promissory notes were also subject to this provision. Section 2720.50(e)(1) has been amended to reference the use of the newly defined master check payment mechanism. Section 2720.50(e)(2) has been clarified to reflect that loan proceeds are disbursed by the lender to the school, not directly to the borrower. Section 2720.50(f) has been revised to incorporate new federal regulations at 34 CFR 682.209(b), which govern the application of any loan prepayments. Section 2720.50(g) has been updated to reflect the appropriate name of the repayment schedule form. A minor change has been made to the wording in Section 2720.55 in order to make clear that additional lending authority for the Federal Consolidation Loan Program may be granted in any amount beyond the original \$5 million allocation, not just in multiples of \$5 million.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

In Section 2720.10(b), the Illinois residency requirement for borrowers which was instituted on January 1, 1992, has now been deleted, returning the rules to the language used prior to that date. ISAC was given the authority to expand or restrict its borrower eligibility requirements in 1987, when P.A. 85-121 deleted from statute the requirement that a student loan borrower be either a resident of Illinois or attending a postsecondary institution in Illinois. At the time the residency limitations were adopted, the item approved by the Commission at its December 9, 1991, meeting stated: "The proposed amendments are appropriate to the environment in which ISAC currently operates and competes. Should that environment change significantly, the rules in question will have to be re-examined. Staff anticipates that such a review will be necessary as early as next year, after action has been taken on comprehensive banking and student aid legislation currently pending at the federal level."

The anticipated federal legislative action has now occurred, rendering the residency requirement unnecessary. In 1991, in light of its limited administrative resources, ISAC was legitimately concerned about its ability to effectively monitor compliance by out-of-state loan program participants with the requirements governing student loan programs. Recent developments at the federal level, however, have alleviated those concerns.

Specifically, the Higher Education Amendments of 1992 (P.L. 102-325) created an ambitious "Program Integrity Triad," the collective efforts of which are aimed at maintaining the integrity of federal student aid programs and the quality of institutions approved to participate in those programs. The members of the Triad, charged with performing these additional "gatekeeping" and oversight functions, include the U.S. Department of Education, accrediting agencies, and for each state, an officially designated State Postsecondary Review Entity (SPRE). ISAC has been designated by Governor Edgar as the SPRE for Illinois and, as such, will receive annual federal financial support aimed at offsetting the cost of performing its new oversight responsibilities.

With the creation of the Triad, and the enactment of an array of other program integrity measures at the federal level, ISAC believes that adequate safeguards now exist to protect the integrity of its loan programs, making it unnecessary to continue excluding otherwise eligible out-of-state program participants. Even in the absence of these developments, however, recent changes to state and federal banking laws have made it increasingly apparent that, if left in place, the geographic restrictions repealed by these rules would severely diminish ISAC's capacity to serve any of its clients, in-state or otherwise. The Riegle-Neal Interstate Banking and Branching Efficiency Act, signed into law by President Clinton in 1994 (P.L. 103-328), is expected to accelerate the trend among banks to centralize and consolidate; as a result, the student loan program is likely to be increasingly dominated by a smaller

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Sections 2720.70(b) and (c) have both been clarified to incorporate the proper use of the previously referenced co-makers and endorsers in connection with a federal PLUS loan. Section 2720.70(k) has been added to reflect new procedures available to borrowers, enabling them to have an administrative review of their debt prior to a guaranty agency reporting a default to a credit bureau or assessing costs, as required by federal regulations at 34 CFR 682.410. Section 2720.70(l) has been added to reflect the agency's new authority to utilize administrative wage garnishment procedures, in accordance with Section 488A of the Higher Education Act. And finally, Section 2720.90(c) deletes a previous exemption of borrower residency requirements in the transfer of loan guarantees, since residency will no longer be an issue for ISAC guaranties.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this part? Yes. Illinois Register, Volume 18, Issue 42, dated October 21, 1994, page number 15579.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par 2203) [30 ILCS 805/3] and does not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:  
  
Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015  
(708) 948-8500 Ext. 3304
- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begins on the following page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2720

FEDERAL FAMILY EDUCATION LOAN PROGRAM  
(FFELP)

## SUBPART A: FEDERAL LOAN PROGRAMS:

THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL  
PLUS PROGRAM, FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,  
AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section	Summary and Purpose
2720.5	Definitions
2720.6	Eligibility for ISAC Loan Guarantees
2720.10	Lender Eligibility
2720.20	Educational Institution Lender Eligibility
2720.25	Institutional Eligibility
2720.30	Holder Eligibility
2720.35	Procedures for Obtaining a Guaranteed Loan
2720.40	One-Lender Requirement
2720.41	One-Holder Requirement
2720.42	Procedures for Disbursement and Repayment
2720.50	Federal Consolidation Loan Program
2720.55	Preclaim Assistance
2720.60	Reimbursement Procedures
2720.70	Student Insurance Premium
2720.80	Guarantee Transfers
2720.90	

## SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section	Summary and Purpose
2720.105	IDAPP Eligible Loans
2720.120	IDAPP Eligible Lenders
2720.130	

## SUBPART C: ISAC ORIGINATED LOANS

Section	Summary and Purpose
2720.200	ISAC Originated Consolidation Loans
2720.210	Illinois Opportunity Loan Program (IOP)

## APPENDIX A Required Activities of Educational Lenders

AUTHORITY: Implementing Sections 80 through 175 of the Higher Education



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3080 through 3175) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3020(f)) [110 ILCS 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amendment at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendment at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4060, effective February 28, 1992; amended at 16 Ill. Reg. 11224, effective July 1, 1992; emergency amendment at 17 Ill. Reg. 2055, effective February 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10506, effective July 1, 1993; amended at 18 Ill. Reg. 10254, effective July 1, 1994; emergency amendment at 18 Ill. Reg. 15636, effective October 15, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 2720.6 Definitions

"Academic Year" - For the purposes of this Part, is defined at Section 481(d)(2) of the Higher Education Act, as amended, and at 34 CFR 668.2.

"Co-maker" - One of the two individuals who are joint borrowers either

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

on a Federal Consolidation Loan or on a Federal PLUS Program loan that was certified prior to January 1, 1995, and who are equally liable for repayment of the loan. (See 34 CFR 682.200.)

"Consolidation" - A federal program which allows borrowers to consolidate a number of loans into one, as authorized by Section 428C of the HEA, as amended.

"Default Status" - The failure of a borrower to make an installment payment when due or to meet terms of the Note, provided this failure persists for 180 days for a loan repayable in monthly installments or 240 days for a loan repayable in less frequent installments under circumstances where ISAC finds it reasonable to conclude the borrower no longer intends to honor the repayment obligation. Such circumstances include, but are not limited to, a refusal to make payment by the borrower.

"Delinquency" - For the purposes of this Part, is defined at 34 CFR 682.411(b).

"Disbursement" - The process of transferring funds from the Lender to the borrower. Educational Institutions participate in the Disbursement process.

"Educational Lender" - An educational institution which meets the Lender eligibility criteria outlined in Section 2720.25.

"Endorser" - A person signer-of-a-promissory-note who is secondarily liable for the repayment of a Federal PLUS loan obligation.

"Federal Regulations" - Regulations promulgated by ED and codified at 34 CFR 668 and 682.

"FFELP" - The acronym for the Federal Family Education Loan Program, as authorized by Section 421 of the Higher Education Act, as amended, including subsidized and unsubsidized Federal Stafford loans, Federal PLUS loans, Federal SLS loans, and Federal Consolidation loans.

"Full-time Student" - For the purposes of this Part, is defined at 34 CFR 682.200.

"Half-Time Student" - For the purposes of this Part, is defined at 34 CFR 682.200.

"Holder" - An organization authorized by ED and ISAC to purchase or retain possession of Guaranteed Loans. These organizations operate as commercial and Educational Lenders or secondary markets and may purchase ISAC-Guaranteed Loans from approved lenders. ISAC's Illinois

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Designated Account Purchase Program (IDAPP) and the Student Loan Marketing Association (SLMA) are examples of approved Holders.

"IDAPP" - The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law (Ill. Rev. Stat. 1991, ch. 144, pars. 3125 through 3175) (see P.A. 87-997, effective September 3, 1992) [110 ILCS 947/125 through 170].

"Lender" - Defined by Section 435 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1085)

"Master Check" - A single check representing the loan proceeds for more than one borrower.

"PLUS" - A Federal program which provides loans to Parents of certain students, as authorized by Section 428B of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3080 through 3175) (see P.A. 87-997, effective September 3, 1992) [110 ILCS 947/80 through 175].

"SLS" - The acronym for the Federal Supplemental Loans for Students Program, as authorized by Section 428A of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1078-1) and Sections 80 through 175 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3080 through 3175) ( See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/80 through 175]. No new SLS Loans have been shall be made for periods of enrollment beginning on or after July 1, 1994. The SLS Program has been merged into the unsubsidized component of the Stafford Loan Program and will no longer exist exists as a separate program. All conditions and benefits applicable to existing SLS loans loans will continue for those loans. Also, to the extent that current unsubsidized Stafford Loans have different conditions and benefits than under the merged program, those loans retain those different conditions and benefits. (See P.L. 103-66, commonly known as the Omnibus Budget Reconciliation Act of 1993.)

"Stafford" - Subsidized and unsubsidized Federal Stafford Loans to eligible borrowers, as authorized by Sections 427, 428, and 428H of the Higher Education Act, as amended (20 U.S.C.A. 1078) and Sections 80 through 175 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3080 through 3175) (see P.A. 87-997, effective September 3, 1992) [110 ILCS 947/80 through 175].

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2720.10 Eligibility for ISAC Loan Guarantees

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

a) Applicants may apply for a loan guarantee by submitting a common ED-approved application form.

b) Eligibility requirements for Guaranteed Loans are established by Federal Regulations (34 CFR 682.201). However, the borrower must be a Resident of the State of Illinois or a parent borrowing on behalf of a Student enrolled at an approved institution located in Illinois. For purposes of this Part, a borrower is considered eligible if the Applicant:

1) reports an Illinois address as his/her permanent home address and is Enrolled on at least a half-time basis at an approved postsecondary institution; or

2) is Enrolled on at least a half-time basis at an approved postsecondary institution located in Illinois; or

3) is a qualified Parent or legal guardian who reports an Illinois address as his/her permanent home address and is borrowing through the Federal PLUS program on behalf of a dependent undergraduate student who is Enrolled at least half-time at an approved postsecondary institution; or

4) is a qualified Parent or legal guardian borrowing through the Federal PLUS program on behalf of a dependent undergraduate student who is Enrolled on at least a half-time basis at an approved postsecondary institution located in Illinois; or

5) had previously received an ISAC guaranteed loan despite the fact that s/he did not or no longer meets the residency requirements of this subsection.

c) The student must be Enrolled, or accepted for enrollment, at an approved postsecondary Institution which has certified the Applicant as eligible for a Guaranteed Loan.

d) An Applicant shall not be disqualified for a loan guarantee by ISAC if the Lender, the Institution, the student, and the borrower meet the eligibility requirements of Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.), of Federal Regulations and of this Subpart.

e) No loan guarantee shall be issued if such loan would exceed the annual or aggregate amount permitted such borrower for the Academic Year, as specified by Section 428 of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1079; Federal Regulations (34 CFR 682.204)).

f) The Institution shall compute a recommended loan amount for each Applicant in accordance with Section 425(a)(1)(C) of the Higher Education Act, as amended. No Guaranteed Loan may exceed the Institution's recommended amount.

1) When certifying loan eligibility for an Academic Year which will span Academic Levels, the Institution's recommended loan amount shall not exceed the maximum permitted for the Applicant's Academic Level at the time of certification.

Example: A student desires a Federal Stafford loan for a two-semester period of enrollment beginning August 28, 1993 and concluding May 15, 1994. During the fall 1993 term, the

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

~~student--will-be-a-sophomore-and-during-the-spring-1994-term the student anticipates--attaining--the--Academic--level--of Junior--Prior-to-the-borrower's-successful-completion-of-the fall-term--the-institution's-recommended-loan-amount--shall not-exceed-the-\$3,500-loan-permitted-sophomore-borrowers.~~

- 2) Should a student borrow in excess of the permitted loan maximums, the student becomes ineligible for federal financial assistance for that Academic Year. (See Section 484 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1091) and 34 CFR 668.7(a)(9).)

- 9) ~~An applicant who previously received a Federal Stafford or Federal PLUS loan may be eligible for a subsequent loan provided that 211 days have passed from the beginning loan term date indicated on the previous loan request to the beginning loan term date on the new loan request. The beginning loan term date must coincide with the start of a term that is published in the school catalog or official class schedule.~~

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2720.20 Lender Eligibility

## a) Lender Agreement

- 1) All approved Lenders must execute an ISAC lender agreement prior to participating in the Federal Family Education Loan Program through ISAC. ~~Stafford, Federal PLUS, Federal SFS or Federal Consolidation loan programs.~~ Lenders wishing to serve as Lenders of last resort are required to sign an additional agreement which includes the provisions of Section 428(j) of the Higher Education Act, as amended.

- 2) Lenders must have received ED approval prior to executing a lender agreement ~~Bender Agreement.~~

- 3) The lender agreement Bender Agreement shall include provisions requiring Lenders to:

- A) Comply with statutes, Federal Regulations, Rules, and procedures; and  
B) Provide such information as ISAC may request relating to borrower demographics, collection records and other documents ISAC may need to comply with Federal Regulations. (See: Sections 2720.60(a) and 2720.70(c).)

- 4) Lenders and ISAC may agree to electronically transmit and receive data. ISAC shall provide the Lender with program documentation and reasonable technical assistance related to electronic data exchanges. ISAC and the Lender shall agree that the information and data shall be confidential and shall not be used, disclosed, sold or shared for any purpose other than those directly related to the administration of ISAC's Guaranteed Loan programs.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 5) Termination of the lender agreement Bender Agreement may be made by either the Lender or ISAC with thirty (30) days written notice. Termination shall not affect any obligations incurred prior to the time such termination becomes effective.  
b) Eligible Lenders shall employ an adequate number of qualified persons to administer its responsibilities under the ISAC Rules. In determining whether a Lender employs an adequate number of qualified persons, ISAC considers the number of students aided, the number of applications evaluated and the amount of funds administered.  
c) In addition to the provision of subsection (a), the lender agreement Bender Agreement for insurance companies approved as Lenders shall require:

- 1) advertising and promotional materials consistent with Section 761.149 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 761) [215 ILCS 5/149] and 50 Ill. Adm. Code 909; and  
2) compliance with Article XXVI of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 1028 through 1041) [215 ILCS 5/421 through 434].  
d) A loan guarantee shall be cancelled if the Lender fails to comply with Federal Regulations, statutes, ISAC Rules, or procedures, provided such failure impairs ISAC's ability to recover the expense of reimbursing the Lender for the defaulted loan.  
e) ISAC conducts compliance reviews to determine if approved Lenders are complying with Federal Regulations, statutes and Rules.

- f) Lenders wishing to participate in ISAC-guaranteed loan programs shall submit an application which shall include, but not be limited to: servicing/secondary market agreements; previous compliance and audit reviews conducted by other guarantors and the Department of Education; documentation relating to the percentage of student loans as compared to other installment loan portfolios; default rates; policy and procedures manuals; promotional materials; a statement relating to previous and anticipated loan volume; and other similar information relating to student loans requested by ISAC to show the Lender's qualifications for participation. Program participation will be determined by an examination of those materials and compliance with federal laws and regulations and state rules and statutes.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2720.25 Educational Institution Lender Eligibility

- a) Educational Lenders must meet the eligibility requirements of Institutions as outlined in Section 2720.30, Institutional Eligibility, and must meet the eligibility requirements established for Lenders as outlined in Section 2720.20, Lender Eligibility.  
b) Illinois educational Institutions shall be approved as Lenders by the Commission if approved by ED and if the following requirements are



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

met.

- 1) The specific materials to be provided by an Institution in seeking approval as an eligible lender are:

- A) An audited, certified, and preferably unqualified annual financial statement prepared by a firm of certified public accountants (CPA). The statement must cover a period of no less than 12 months and be no more than 12 months old at the time of submission. The CPA firm must express an acceptable opinion on the statement, and the statement shall consist of no less than a balance sheet, a statement of profit and loss, and all attendant notes thereto;
  - B) An institutional catalogue, and a statement of the Institution's educational costs and refund policies;
  - C) A statement of the Institution's default delinquency experience as a lender in the Federal Perkins Loan Program, FFELP, and/or Federal Insured Student Loan (FISL) program (20 U.S.C.A. 1071 et seq.) and a release to permit ISAC to solicit further data from ED or the Institution's service agency, if any, with respect to such records;
  - D) A statement which demonstrates the Institution's administrative ability to comply with all servicing requirements of the program;
  - E) Bank and other credit references and a release to permit ISAC to inquire of these references;
  - F) A statement explaining the source of the Institution's lending capital;
  - G) A statement providing the amount of lending authority sought for the applicable fiscal year and an estimate of the lending volume expected in each of the two succeeding fiscal years; and
  - H) Any other materials which might be requested by ISAC to show the Institution's potential qualifications as a lender.
- 2) In addition to the above materials, a school which is organized on a for-profit basis will be requested to submit a:
- A) Copy of its student contract;
  - B) Description of its admission/sales staff and their functions;
  - C) Statement of the Institution's drop-out/completion rates;
  - D) Sample of the Institution's advertising materials; and
  - E) Description or copies of student complaints filed with the Institution in the last two years. In addition to these materials, ISAC will secure a Dun and Bradstreet Report on the Institution, a statement from the Better Business Bureau with regard to any consumer complaints, and a statement from the Institution's accrediting association.
- 3) The applications for eligible Educational Lender status in the Programs and the supporting documentation shall be reviewed by ISAC. ISAC staff shall inform the applicant Institution of its

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

proposed recommendations to the Commission prior to the meeting at which action on the application will be taken. The Applicant Institution shall also be informed of the recommendation for its annual lending limit, as well as any additions to the Bender Agreement lender agreement which ISAC feels are prudent in individual instances to protect the default record of ISAC. The Institution shall also be informed that if it is not in agreement with any ISAC staff recommendations, it is entitled to representation at the Commission meeting and will be allowed to state its objections. If the Institution is approved by the Commission as an Educational Lender, ISAC will execute a Lender Agreement which will include:

- A) The Institution's agreement to abide by the Rules of ISAC;
  - B) A statement of agreement including, or referring to, the list of required activities of Educational educational Lenders labeled as Appendix A of this Part;
  - C) A statement of agreement including, or referring to, the Federal Regulations with respect to loan Disbursements and refund application;
  - D) A statement of agreement including, or referring to, the Federal Regulations definition of "due diligence"; and
  - E) An expiration date of such lending contract which shall not be later than the end of the first full fiscal year following the negotiation of the contract, at which time its renewal shall be considered by ISAC.
- c) A loan guarantee shall be canceled if the Educational Lender fails to comply with Federal Regulations, statutes, ISAC Rules, or procedures, provided such failure impairs ISAC's ability to recover the expense of reimbursing the Educational Lender for the defaulted loan.
- d) ISAC conducts compliance reviews to determine if approved Educational Lenders are complying with Federal Regulations, statutes and Rules.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2720.30 Institutional Eligibility

- a) Institutional eligibility requirements are specified in Federal Regulations. Eligible postsecondary Institutions include universities, colleges, graduate schools, schools of nursing, business, trade, technical, and vocational schools. Correspondence Institutions/programs are not eligible.
- b) Institutions must have executed a Program Participation Agreement with ED in order to participate in ISAC's Guaranteed Loan Programs. (See: 34 CFR 668.12 et seq.)
- c) When an approved Institution has a change of ownership resulting in a change of control, a change of location, or a change of name as defined by Federal Regulations, the Institution's Program

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

Participation Agreement with ED may be terminated. The Institution may have eligibility reinstated by the execution of a new Program Participation Agreement with ED (See e.g.: 34 CFR 600.30 et seq.) and by the submission and approval of a new application for participation with ISAC.

d) An Institution may not engage in loan origination activities. This prohibition shall not apply if the Institution has an ED-approved Origination Agreement on file with ISAC and the Institution has been approved as an Educational Lender. (See: Section 2720.25 of this Part and 34 CFR 682.601.)

e) Approved Institutions shall provide ISAC with the current enrollment status of students whom the Institution has certified as eligible borrowers. ISAC shall request enrollment data in accordance with a schedule published on an annual basis.

f) Applicant and approved Institutions must demonstrate the requisite administrative capability and financial responsibility, as defined by Federal Regulations, in order to begin and to continue participation in ISAC-Guaranteed Loan programs. (See, e.g.: 34 CFR 668.13 et seq.)

g) Institutions wishing to participate in ISAC-Guaranteed Loan programs shall submit an application which shall include, but not be limited to: documentation from the U.S. Department of Education (ED) and the state in which it operates demonstrating authorization to offer educational programs; previous audit and compliance reviews conducted by other guarantors and ED; proof of accreditation; audited financial statements; student catalogs; promotional materials; policy and procedure manuals; documentation relating to default and student withdrawal rates; and other similar information requested by ISAC to show the institution's qualifications for participation. Participation will be decided by an examination of application materials and a determination of compliance with federal laws and regulation and state statutes and rules. Institutions may appeal an administrative decision denying participation or limiting eligibility in accordance with ISAC appeal procedures. (See 23 Ill. Adm. Code 2700.70.) Institutions denied participation shall be eligible to reapply one year from the date of the initial ISAC letter denying eligibility.

h) Institutions not maintaining the standards of administrative capability or financial responsibility demonstrated in their original applications for participation, or required by Federal Regulations, may be subject to administrative limitation, Suspension or Termination proceedings. (See 23 Ill. Adm. Code 2790.1.)

i) A foreign postsecondary educational institution, located outside of the United States, is eligible to participate in ISAC-guaranteed loan programs provided it produces evidence to ISAC of current eligibility with ED (e.g., Program Participation Agreement, Institutional Eligibility Notice, etc.) or documentation of such eligibility is available directly from ED.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2720.40 Procedures for Obtaining a Guaranteed Loan**

a) Borrowers who are eligible for a loan guarantee in accordance with Section 2720.10 are issued a notice of guarantee/disclosure statement. All promissory notes must be in a form approved by ED. No alteration or substitution may be used.

b) All loans are made at the Lender's discretion. When a Lender rejects a borrower's application/promissory note, the Lender shall issue a notice of non-acceptance to the borrower.

c) Lender of last resort requirements

1) An Applicant who is eligible for subsidized or unsubsidized Stafford loan guarantee pursuant to Section 2720.10 of this Part and who has received two notices of non-acceptance can request that ISAC make a referral to a lender of last resort provided the Applicant:

A) submits a written request for a Lender of last resort loan referral to ISAC, which is accompanied by two notices of non-acceptance issued by ISAC-approved Lenders;

B) receives loan counseling information specifically designed to benefit an Applicant seeking a Lender of last resort loan; and

C) attends an ISAC-approved Institution.

2) ISAC will refer Applicants to Lenders of last resort or will advise them that they do not meet the eligibility requirements of Section 2720.10 of this Part within 60 days.

3) ISAC will act as a Lender of last resort or will refer the Applicant to the Student Loan Marketing Association if it cannot refer the Applicant to a Lender of last resort willing to make a subsidized or unsubsidized Stafford loan within 60 days.

d) The availability of an ISAC-Guaranteed loan shall not be conditioned upon the purchase of credit life, life, accident, health, or other forms of insurance.

e) The application/promissory note must be signed in ink. Signature stamps shall not be used.

f) At the Lender's discretion and in accordance with Federal Regulations ~~federal regulations~~, Endorsers ~~co-makers~~ may be used for Federal PLUS loans, ~~and Endorsers may be used for SES loans~~.

g) Lenders shall obtain the names and addresses of at least two references from each loan Applicant. Lenders shall submit the reference data to ISAC when requesting ISAC reimbursement pursuant to Section 2720.70.

h) When certifying a borrower eligible for a loan guarantee, the Institution shall provide ISAC a loan disbursement schedule consistent with Section 428G of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1078-7). Should the Institution fail to provide ISAC a

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

disbursement schedule that is consistent with federal law, ISAC shall assign the loan a disbursement schedule that is consistent with Section 428G of the Higher Education Act of 1965, as amended.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2720.41 One-Lender Requirement**

a) All of a borrower's outstanding ISAC-Guaranteed Loans must be made by the same Lender, subject to the following conditions: ~~notwithstanding the residency requirements of Section 2720.10(b) of this Part,~~

1) ISAC will issue a loan guarantee to a commercial Lender provided that Lender agrees to make all types of Federal Family Education Loans (FFEL) to the borrower which the borrower requests and is eligible to receive, and

A) the loan is the borrower's first ISAC-Guaranteed Loan;

B) the loan is a subsequent loan and the commercial Lender has issued all of the borrower's previous ISAC-Guaranteed Loans;

or

C) the loan is a subsequent loan and the commercial Lender holds or has purchased all outstanding ISAC-Guaranteed Loans for that borrower from previous commercial Lender(s), in accordance with Section 2720.42 of this Part.

2) ISAC will issue a loan guarantee to an Educational Lender provided that Lender agrees to make all types of FFEL to the borrower which the borrower requests and is eligible to receive, and

A) the Lender is an educational Institution at which the borrower is currently Enrolled, and

B) the borrower has previously made a good faith effort to obtain a loan from a commercial Lender pursuant to federal regulations. (See 34 CFR 682.601.)

b) The requirements of this Section shall not apply if:

1) the outstanding loans are held by a Lender which has been either declared insolvent by a regulatory agency, has terminated its agreement with ISAC, or has withdrawn from all FFEL programs;

2) the borrower informs ISAC, in writing, that s/he is dissatisfied with the previous Lender's performance and requests that subsequent loans be issued by a different Lender;

3) the borrower is requesting a subsequent loan and the Lender has made a previous ISAC-Guaranteed Loan to that borrower for that loan program with a guarantee date prior to July 1, 1993; or

4) the borrower's outstanding loan(s) was made in accordance with Section 2720.40(c) of this Part, by a Lender of last resort.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

**Section 2720.42 One-Holder Requirement**

a) All of a borrower's outstanding ISAC-Guaranteed Loans must be sold by a Lender to the same Holder.

1) If the Lender has sold any of a borrower's previous ISAC-Guaranteed subsidized or unsubsidized Federal Stafford Loan(s) or Federal SLS Loan(s) to an approved Holder, the Lender shall sell all subsequent loans to the same Holder by no later than 90 days from the borrower's last date of attendance or 180 days following the last disbursement, whichever occurs later; or in the event of untimely notification to the Lender of a student's change in enrollment status, no later than 45 days after the Lender became aware that the student ceased to be enrolled on at least a Half-time basis. (See Section 2720.130(d).)

2) Subsidized Federal Stafford Loans, unsubsidized Federal Stafford Loans and Federal SLS Loans which were made under the same common Application/Promissory Note for loan periods within the same Academic Year must be sold simultaneously.

3) If the Lender has sold the Applicant's previous ISAC-Guaranteed Federal PLUS Loans to an approved Holder, the Lender shall sell each subsequent Federal PLUS Loan for that borrower to the same Holder by no later than 90 days from the last date of attendance or 180 days following the last disbursements, whichever occurs later; or in the case of a late disbursement, the subsequent loan must be sold within 45 days following disbursement.

b) Failure to sell the renewal loan by the deadline shall result in the loss of guarantee.

1) A guarantee may be reinstated if, within 90 days after identifying a loan in violation of subsections (a)(1), (a)(2) or (a)(3) above, the Lender initiates the sale of the loan to the eligible Holder who purchased the Applicant's previous loan(s).

2) Initiation of the sale procedure within 90 days will retroactively reinstate the guarantee to the date the guarantee was lost due to a violation of subsections (a)(1), (a)(2) or (a)(3) above, provided no other violation of federal regulation or State rule exists.

3) Failure to initiate the sale of the loan within 90 days after identifying the violation will result in a permanent loss of guarantee for that loan. Failure to ultimately sell the loan to the Holder will also result in a permanent loss of guarantee for that loan.

c) The requirements of this Section shall not apply if:

1) the outstanding loans are held by a Holder which has been either declared insolvent by a regulatory agency, has terminated its agreement with ISAC, or has withdrawn from all FFEL programs.

2) the borrower informs ISAC, in writing, that s/he is dissatisfied with the previous Holder's performance and requests that



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

subsequent loans be sold to a different Holder.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2720.50 Procedures for Disbursement and Repayment**

- a) Disbursement and repayment procedures are specified in Federal Regulations.
- b) prior to Disbursement, the borrower(s) shall execute a completed application/promissory note(s) for the principal and interest on the loans. The Lender shall retain the original copy of the application/promissory note.
- c) The Lender shall transmit to ED any and all statements and reports necessary to obtain federal interest payments on the borrower(s)' behalf. The Lender shall not collect or attempt to collect from the borrower(s) or ISAC any portion of the interest on the loan which is payable by ED.
- d) Except for loans pursuant to Section 2720.55, the Lender shall not disburse the proceeds of any loan on the borrower(s)' behalf unless and until the Lender shall have received from ISAC evidence of a guarantee. The Lender shall inform ISAC of all disbursement dates through submissions of the Lender manifest/insurance premium invoice system.
- e) Federal Stafford and Federal PLUS loan proceeds shall be transmitted directly to the Institution.

- 1) Federal Stafford loan checks or electronically transmitted funds shall be payable to the student borrower unless the borrower has authorized, in writing, a co-payable loan check. Federal PLUS loan checks shall be co-payable or sent via EFT to the Institution and the parent borrower. ~~Electronically--transferred~~ Federal Stafford or Federal PLUS loan funds ~~transferred either~~ electronically or by Master Check shall be transmitted by the Lender to the Institution along with information identifying the name of each student on whose behalf loan proceeds are being transmitted, and the amount being transmitted on behalf of that student.

- 2) If the proceeds have not been disbursed to the Institution ~~borrower~~ within sixty days after the conclusion of the Term for which the loan was intended, the loan guarantee will be canceled.
- 3) If the borrower has withdrawn from enrollment and Federal Regulations require the Institution to submit a refund to the Lender, either electronically or in the form of a check payable to the Lender on behalf of the borrower. The Institution shall provide simultaneous written notice to the student of the refund.

- A) If the Institution fails to issue a timely refund, as defined by Federal Regulations, the Institution shall pay penalty interest.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- B) The penalty interest shall equal the total amount interest and special allowance generated by the value of the refund amount. The penalty interest computed from the date the refund was due until the refund was issued.
- C) The penalty interest shall be paid to the Lender subsequent Holder.
- f) The borrower(s) shall have the right to prepay without penalty whole or any part of a loan guaranteed hereunder. Unless the borrower requests otherwise, in writing, any prepayment made thereon shall be applied in accordance with the provisions of 34 CFR 682.211 ~~credited-wholly-to-the-principal~~.
- g) The Lender or Holder shall notify the borrower of the date on which the repayment period begins no later than 120 days after the borrower has left the eligible institution. The Lender or Holder shall set the repayment schedule ~~and--disclose--statement to a FPELP borrower~~. Less than 30 days nor more than 240 days before the first payment on the loan is due from the borrower.
- h) The Lender or Holder shall notify ISAC of payment in full or prepayment in full by the borrower.
- i) In accordance with Federal Regulations, the Lender or Holder may extend the maturity date of any note. If the Lender or Holder agrees to extend said note, then the borrower(s) must execute a forbearance agreement. A forbearance agreement may be approved for a period of up to one year at a time.
- j) Lenders may exercise administrative forbearances, which do not require the agreement of the borrower, as authorized by Section 428(c)(3)(D) of the Higher Education Act of 1965, as amended, and by Federal Regulations.
- k) Borrowers are entitled to deferments, which extend the maturity date of any note(s), under conditions established by Federal Regulations. The borrower(s) shall be responsible for submitting to the Lender a completed deferment agreement and any corresponding documentation. ISAC provides Lenders with the forms necessary for servicing their Guaranteed Loan portfolio (e.g., deferment forms, forbearance forms). With advance ISAC approval, Lenders may use non-ISAC forms. ISAC shall approve the use of alternative forms provided the alternative form is ED-approved and is compatible with ISAC's data processing requirements.
- m) No note shall be sold or transferred by the Lender except to an ISAC-approved Lender, an ISAC-approved Holder, or ISAC.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2720.55 Federal Consolidation Loan Program**

- a) ISAC shall guarantee Federal Consolidation loans pursuant to Section

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

428C of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1078-3).

- b) Lenders may make Federal Consolidation loans provided participation in the consolidation loan program is authorized by the lender agreement lender-Agreement. (See: Section 2720.20(a).)

1) ISAC shall initially authorize a Lender to issue no more than \$5,000,000 in guaranteed Federal Consolidation loans.

2) A Lender may receive additional increments-of lending authority provided an ISAC compliance review indicates the Lender is complying with Federal Regulations, statutes and Rules. (See: Section 2720.20(f).)

c) All applications and promissory notes shall be in a form approved by ED. Lenders shall report to ISAC when a consolidation loan is made.

d) Lenders shall request preclaim assistance and reimbursement on consolidation loans in accordance with Sections 2720.60 and 2720.70.

e) Lenders shall pay the U.S. Department of Education all fees required by Section 428C(f) of the Higher Education Act, as amended, for Consolidation loans made on or after October 1, 1993.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2720.70 Reimbursement Procedures

a) If a borrower dies or becomes permanently and totally disabled, the Lender or Holder shall request reimbursement from ISAC within 60 days from the date the Lender or Holder receives a completed request for loan cancellation or forgiveness.

b) Request for default reimbursement must be submitted to ISAC no earlier than 180 days after the first date of Delinquency and no later than 270 days after the first date of Delinquency. The Lender or Holder shall be reimbursed, in accordance with Federal Regulations and the Higher Education Act of 1965, as amended. In the case of a default on a On Federal PLUS loans loan, the borrower, CO-maker and Endorser all co-makers must meet the default criteria contained in Federal Regulations.

c) The Lender or Holder must request ISAC reimbursement for bankruptcy claim in accordance with Federal Regulations and the Higher Education Act of 1965, as amended. (See, e.g.: 34 CFR 682.402.) The request for reimbursement must be submitted within 30 days after the Lender's or Holder's receipt of notice that collection on the debt is staved. A copy of the restraining order and the appropriate papers must be included. In the case of a bankruptcy involving a On Federal PLUS loans loan, the borrower, Co-maker and Endorser all--co-makers must meet the bankruptcy criteria contained in Federal Regulations.

d) Prior to reimbursement, the Lender or Holder must certify compliance with federal due diligence requirements and subsection (h).

e) Prior to reimbursement, the Lender or Holder must have remitted the

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

insurance premium established by Section 2720.80.

f) The Lender or Holder shall forward to ISAC any payments made by or on behalf of the borrower after default reimbursement and shall advise ISAC of any subsequent information received concerning the borrower. Prior to reimbursement, all original notes or certified, true and exact copies of original notes must be properly endorsed and submitted to ISAC. If the notes have been erroneously stamped "Paid in Full", or lost, the Lender or Holder shall execute a hold harmless agreement with ISAC.

g) No fee or charge to the borrower, other than the maximum interest rate prescribed by ED and the collection charges outlined in Section 682.202 (f) and (g) of Federal Regulations, including the student insurance premium, and the federal loan origination fee, shall be contracted for or received by the Lender.

h) The Lender or Holder shall make a proper collection effort in accordance with acceptable practices of prudent lending institutions including, but not limited to, the collection activities required by Federal Regulations. (See, e.g.: 34 CFR 682.411.)

i) ISAC shall collect the outstanding amount on the reimbursed Guaranteed Loan. If the borrower refuses to retire the debt, ISAC shall follow the requirements of Federal Regulations. (See 34 CFR 682.410.)

j) Should a borrower refuse to retire the debt, ISAC shall direct the State Comptroller to offset any payment from the State Treasurer to the borrower. The funds offset shall be remitted to ISAC and credited against the debt.

1) All offsets shall be processed in accordance with 74 Ill. Adm. Code 285.

2) ISAC shall not direct an offset if the borrower has maintained a satisfactory repayment record. (See: 23 Ill. Adm. Code 2700.40(a)(1).)

3) ISAC shall notify a borrower of the possibility of an offset no less than fifteen days prior to the first offset. ISAC shall not provide additional notice of subsequent offsets for the same debt. Should the borrower dispute the debt, an appeal must be filed within fifteen days of the date of the notice. Appeals will be processed in accordance with 23 Ill. Adm. Code 2700.70. If the requested relief is granted, the funds offset shall be returned to the borrower.

4) Funds eligible to be offset include, but are not limited to, state income tax refunds and the wages of state employees.

k) ISAC shall provide a borrower with an opportunity for an administrative review of the legal enforceability or past-due status of the loan obligation after it pays a default claim but before it reports the default to a credit bureau or assesses collection costs against the borrower, in accordance with Federal Regulations (34 CFR 682.410(b)(5)(ii)(c)).

l) ISAC may garnish the disposable pay of a borrower if the individual is not currently making required payments, in accordance with Section

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

488A of the Higher Education Act.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2720.90 Guaranty Transfers

- a) ISAC may transfer loan guarantees to or from another guarantor, as specified in Section 428(b)(2)(E) of the Higher Education Act of 1965 (HEA), as amended (20 USCA 1078(b)) provided:
- 1) the loan guarantees are insured (see Section 428(b) of the HEA);
  - 2) an agreement has been entered into between ISAC and
    - A) the other guaranty agency,
    - B) an agent of the guaranty agency, who has been approved by the U.S. Secretary of Education, or
    - C) the U.S. Secretary of Education or an agent thereof;
  - 3) the transfer has been approved by the Holder of the loan.
- b) Notwithstanding any provision of Section 2720.42, regarding all loans being held by one Holder, a loan guarantee may be transferred to ISAC from another guaranty agency.
- c) ~~Notwithstanding any provisions of Section 2720.10, regarding residency requirements for eligible borrowers, a loan guarantee may be transferred to ISAC from another guaranty agency.~~

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: GENERAL PROVISIONS

2) Code Citation: 23 Ill. Adm. Code 2700

3) Section numbers: Proposed Action

2700.10	Amended
2700.20	Amended
2700.40	Amended
2700.50	Amended

4) Statutory Authority: Implementing the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3001 et seq.) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq., as amended by P.L. 102-325); and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3020(f)) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/20(f)].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: In Section 2700.20, the term "regulations" has been changed to "federal regulations" so its definition is consistent with the definitions contained in other parts of ISAC's administrative rules. The term "Institution of Record," previously used in connection with situations in which students were concurrently registered at more than one institution, has been defined. This amendment recognizes the increasing importance of concurrent registration as classes offered through telecommunications, also known as distance learning, are rapidly expanding. The definition of "regular school year" has been amended to modify the description of what constitutes a summer term. The former definition inadvertently excluded students enrolled in certain programs from consideration for MAP assistance. Also in Section 2700.20, the definition of "resident," has been clarified to specify that twelve continuous months of residence is required for independent student status and that each month must be one full month, and not a portion of a month.

Several amendments have been incorporated into Section 2700.40(a)(1)(A) to reflect changes embodied in federal regulations at 34 CFR 682.200, which redefine satisfactory repayment arrangements. The new provisions clarify the circumstances under which students whose previous loans were defaulted may regain eligibility for ISAC-guaranteed loans. Section 2700.40(a)(1)(A)(ii) mirrors the federal requirement for reinstatement of Title IV student aid eligibility and 2700.40(a)(1)(A)(iv) corresponds to the reinstatement of guaranteed student loan eligibility after



ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2700  
GENERAL PROVISIONS

Section	Summary and Purpose
2700.10	Definitions
2700.20	General Institutional Eligibility Requirements
2700.30	General Applicant Eligibility Requirements
2700.40	Determining Applicant Eligibility
2700.50	Electronic Data Exchanges
2700.55	Audits and Investigations
2700.60	Appeal Procedures
2700.70	

AUTHORITY: Implementing the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3001 et seq.) (see PA 87-997, effective September 3, 1992) [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq., as amended by P.L. 102-325); and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3020(f)) (see P.A. 87-997, effective September 3, 1992)) [110 ILCS 947/20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 2700.10 Summary and Purpose

- a) The purposes of the Illinois Student Assistance Commission (ISAC) include:
- 1) Improving postsecondary educational opportunities for eligible students through the centralized and administration of Illinois student assistance programs; and
  - 2) Coordinating Illinois student assistance programs with those of the United States Department of Education (ED).
- b) This Part establishes general Rules and definitions that apply to all student assistance programs administered by ISAC, except to the extent

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT(S)

consolidation of previously defaulted loans. A minor change has been made to Section 2700.40(h)(2) in order to clarify the number of eligibility units used by students enrolled on a half-time basis and who are benefitting from ISAC-administered gift assistance programs. And finally, in Section 2700.50(f)(2), the previously mentioned requirement of twelve continuous full months of residency for independent student status has again been referenced to incorporate the amendment into the definition of resident.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par 2203) [30 ILCS 805/3] and does not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015  
(708) 948-8500 Ext. 3304

12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begins on the following page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

that subsequent Parts may qualify these general provisions. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2700.20 Definitions

"Academic Level" - The classification of a student as freshman, sophomore, junior, senior, or graduate student.

"Academic Year" - A twelve month period of time, normally from August or September of any year through August or September of the ensuing year.

"Applicant" - Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed loan.

"Chargeback" - Payment of tuition by the community college district of a student's residence to the community college district of a student's attendance. (Ill. Rev. Stat. 1991, ch. 122, par. 106-2) [110 ILCS 805/6-2]

"Citizen" - One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"Commission" - The nine member Illinois Student Assistance Commission created by Section 15 of the Higher Education Student Assistance Act. (Ill. Rev. Stat. 1991, ch. 144, par. 3015) (see P.A. 87-997, effective September 3, 1992) [110 ILCS 947/15]

"Concurrent Registration" - The simultaneous enrollment at two or more institutions.

"Consortium Agreement" - The written agreement between an institution eligible to participate in any of the programs administered by the Illinois Student Assistance Commission (as defined in Section 2700.30 and subsequent Parts of the ISAC Rules) and another institution whereby the second institution provides all or part of the education program of students enrolled in the eligible institution. ISAC reserves the right, after review of the agreement, to make the final decision regarding the amount, if any, and the destination of final Gift Assistance payment(s).

"Dependent Student" - A scholarship, loan or grant applicant or recipient who is not classified as an Independent Student.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

"ED" - The acronym for the United States Department of Education.

"Eligible Noncitizen" - For the purposes of these Rules, eligible noncitizen is defined as noncitizens eligible for federal student assistance pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See: 20 U.S.C.A. 1091.)

"Enrolled" - The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" - The chief executive officer of ISAC.

"Federal Regulations" - Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"Foreign Missionary" - An individual who is assigned duty outside of the United States by an organization that engages in education, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing Foreign Missionaries for at least five years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" - An individual enrolled for twelve or more credit hours, for either a semester or quarter term.

"Gift Assistance" - Student assistance funds in the form of a scholarship, grant or tuition waiver, including but not limited to, federal, state, institutional and private aid.

"Good Moral Character" - An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

"Guaranteed Loans" - Loan assistance through the Federal Family Education Loan Program (FFELP) which includes the subsidized and unsubsidized Federal Stafford Loan, the Federal PLUS Loan, the Federal Supplemental Loans for Students (SLS), and the Federal Consolidation Loan programs.

"Half-time Student" - An individual enrolled for six or more credit hours (but less than twelve credit hours) for either a semester or quarter Term.

"Independent Student" - For the purposes of these Rules, independent student is defined by Section 480 of the Higher Education Act of 1965, as amended by P.L. 102-325. (See: 20 U.S.C.A. 1087vv.) A

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT(S)

physically resides within the State of Illinois.

An Independent Student is a Resident of Illinois if the Applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of twelve continuous, full months immediately prior to September 1 of the Academic Year for which assistance is requested.

When an Applicant does not qualify as a Resident of Illinois under the preceding two subsections and the Applicant is a member of the U.S. Armed Forces or a Foreign Missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a Foreign Missionary, then the Applicant's residency shall be determined in accordance with this subsection.

An applicant who is a member of the U.S. Armed Forces will be a Resident of Illinois if the Applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within 6 months of the conclusion of enlistment and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such enlistment.

An Applicant who is a Foreign Missionary will be a Resident of Illinois if the Applicant physically resided in Illinois for six continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within six months of the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such missionary service.

The dependent-Applicant shall be a Resident of Illinois notwithstanding the Parent(s) temporary physical absence from Illinois provided the Parent(s) would be a Resident of Illinois under the preceding two subsections.

The spouse-Applicant shall be a Resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided the Applicant can demonstrate that his/her absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-Applicant's domicile continues to be the State of Illinois.

"Rules" - The rules of the ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT(S)

non-independent student is referred to as a Dependent Student.

"Institution" - Unless otherwise qualified, any secondary or postsecondary educational organization which enrolls students who participate in ISAC programs.

"Institution of Record" - The postsecondary Institution at which a student is Enrolled and seeking a degree or certificate. This Institution assumes primary responsibility for certification of eligibility for ISAC-administered programs and for requesting payment from ISAC.

"ISAC" - The acronym for the Illinois Student Assistance Commission: the administrative agency created by Section 15 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1981, ch. 144, par. 3015) (see P.A. 87-997, effective September 3, 1992) [110 ILCS 947/15] to administer student assistance programs in Illinois.

"Mandatory Fees" - The charges assessed by an institution to each and every Full-time student for each term. Application, graduation, laboratory, breakage and add/drop fees are specifically excluded. For the purposes of these Rules, Tuition is not a Mandatory Fee.

"Parent" - For the purpose purposes of these Rules, "Parent" is defined at 34 CFR 668.2.

"Pell Grant" - A Federal Gift Assistance program administered by ED in accordance with Section 411 of the Higher Education Act of 1965, as amended. (See: 20 U.S.C.A. 1070a et seq.)

"Regular School Year" - An eight to nine month period of time which includes two semester terms or three quarter terms. The regular school-year Regular School Year excludes summer Terms. Programs Terms that begin after April 15 and end before August September 16 are considered summer Terms.

~~"Regulations" - Refers to regulations promulgated by EB--and--codified at 34-CFR-660-et-seq.~~

"Remedial Courses" - The coursework that prepares a student for study at the postsecondary level and must be necessary for the student to pursue the eligible postsecondary program.

"Resident of Illinois" -

A Dependent Student is a Resident of Illinois if the Parent of the dependent-Applicant who is required by the instructions to complete the Free Application for Federal Student Aid (FAFSA),



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

"Satisfactory Academic Progress" - An institutional policy which establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See: 20 U.S.C.A. 1091.)

"Term" - A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" - The charge for instruction assessed by a postsecondary institution.

"Verification" - Procedures implemented by postsecondary institutions to verify the eligibility of Applicants. The procedures are established by 34 CFR 668 et seq. and by these Rules.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2700.40 General Applicant Eligibility Requirements

a) Except as otherwise provided by this subsection, an Applicant with a defaulted loan Guaranteed Loan or a defaulted Perkins Loan (20 U.S.C.A. 1087aa) is not eligible for benefits under ISAC-administered programs.

1) Eligibility for future terms may be reinstated in accordance with the following provisions:

A) Eligibility for ISAC-Guaranteed Loans will be reinstated when:

i) the debt has been paid in full;  
 ii) the borrower has made six consecutive, voluntary full monthly payments that are reasonable and affordable payments based upon the borrower's total financial circumstances, as provided for in Section 428F(b) of the Higher Education Act, as amended, and 34 CFR 682.200 (see the definition of satisfactory repayment arrangement);

iii) the borrower's prior defaulted loan(s) has been rehabilitated by making twelve payments in an amount that will allow the debt to be paid in full within ten years, pursuant to Section 428F(a)(1)(A) of the Higher Education Act, as amended; or

iv) the borrower has made three consecutive, voluntary full monthly payments on a ~~arrangements-to-repay--the defaulted-loan(s)--in--terms-that-are-satisfactory-to the Holder-of-the-defaulted-loan(s)-and-the defaulted loan(s) for the purposes of consolidating that loan(s) under 34 CFR 682.201. will-become-part-of-a~~

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

## Consolidation-Loan-

B) Borrowers are eligible to use subsections (A)(ii) and (iii) above only one time during the entire life of any loan guaranteed by ISAC.

C) Eligibility for ISAC-administered Gift Assistance will be reinstated when the Applicant has maintained a satisfactory repayment record for at least six consecutive months or has met the requirements of subsection (a)(1)(A) above. Factors to be considered by ISAC in evaluating the repayment record include: the amount of the debt, the amount of the payments received by ISAC, the employment status of the Applicant, and the frequency of the Applicant's contact with ISAC.

2) An Applicant for Illinois Veteran Grant (IVG) assistance (23 Ill. Adm. Code 2733) shall be permitted one term of assistance during which a satisfactory repayment record, as defined by subsection (a)(1)(C) above must be established. If such a repayment record is not established, additional assistance shall be denied until a satisfactory repayment record is established.

b) No Applicant shall receive ISAC-administered assistance if the Applicant owes a refund for: Any ISAC-administered Gift Assistance, a Federal Pell Grant, or a Federal Supplemental Educational Opportunity Grant (SBOG) (20 U.S.C.A. 1070(b)).

c) An Applicant shall, upon request, provide documentation to establish and verify eligibility. (See: Section 2700.50.) Failure to supply adequate documentation will result in the denial of student assistance benefits.

d) An Applicant supplying fraudulent data shall be denied assistance and may also be subject to prosecution by the Illinois Attorney General, United States Department of Justice and/or an Illinois State's Attorney.

e) All Applicants must submit their Social Security Number.

f) Recipients who cease to be Residents of Illinois after notification of eligibility may complete the Academic Year with the assistance awarded.

g) Unless otherwise provided, benefits under Gift Assistance programs are subject to the limits of dollars appropriated to ISAC by the Illinois General Assembly and approved by the Governor. Benefits under Gift Assistance programs are generally limited to the Regular School Year. If funding is available, assistance for summer Terms shall be awarded separately.

h) When Gift Assistance eligibility is limited to a specified number of term payments, the eligibility cap is calculated in accordance with this subsection.

1) For each semester Term of full-time payment benefits, the recipient is assessed six eligibility units. For each quarter Term of full-time payment benefits, the recipient is assessed four eligibility units.

2) For each semester Term of half-time payment benefits, the

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

recipient ~~one-half-of-the-above-eligibility-units~~ is assessed-  
three eligibility units. For each quarter Term of half-time  
payment benefits, the recipient is assessed two eligibility  
units.

- 3) Sixty eligibility units are the equivalent of payments for ten semester semesters/fifteen quarters of full-time benefits.
- 4) Forty-eight eligibility units are the equivalent of payments for eight semesters/twelve quarters of full-time benefits.
- i) An Applicant shall submit Selective Service registration compliance documentation to the postsecondary institution as required by 34 CFR 668.31 et seq.
- j) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), an Applicant must be maintaining satisfactory Academic Progress in accordance with the institution's policy.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2700.50 Determining Applicant Eligibility

- a) The evaluation of Applicant eligibility is the responsibility of both the Institution and ISAC.
- b) No Applicant is announced eligible for assistance by ISAC unless the application establishes prima facie eligibility. ISAC consults with other appropriate state and federal agencies in the process of reviewing application data. Such agencies include, but are not limited to, the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Immigration and Naturalization Service (INS), Illinois Department of Public Aid, Illinois Department of Revenue, and Illinois Department of Children and Family Services.
- c) When requesting payment for ISAC programs, the postsecondary Institution must certify that the applicants are eligible recipients. If an Institution subsequently determines a student is ineligible for the awarded assistance, the Institution must inform ISAC and submit the appropriate refund.
- d) If an Institution erroneously certifies an Applicant to be eligible, ISAC will recover the erroneous payment from the Institution. Any student who obtained ISAC-administered funds by submitting inaccurate information to an Institution must tender restitution to the Institution to be eligible for ISAC assistance at that Institution.
- e) If an Applicant is selected for verification in conjunction with federal student assistance, that Applicant shall also be verified for ISAC-administered programs. A selected Applicant must be verified for ISAC programs even if the Applicant is ineligible for federal student assistance.
- f) Because ED Verification procedures do not include procedures for verifying a student as a Resident of Illinois, the following

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

provisions shall be followed by the Institutions.

- 1) Residency status shall be verified for each Applicant who is selected for Verification and meets one of the following criteria:

- A) the Applicant has changed dependency status and has become an Independent student; or
  - B) the Applicant has not been Enrolled in an ISAC-approved MAP Institution or an ISAC-approved Illinois High School (see: Section 2700.30) during the preceding twelve months; or
  - C) the Institution has any information which indicates the Applicant may not be a Resident of Illinois.
- 2) One or more of the documents listed below may provide proof that an Applicant (or Parent) is an Illinois Resident, as defined in Section 2700.20. For an Independent Student Applicant, the dates recorded on the documents must indicate the Applicant has resided in Illinois for the relevant twelve continuous, full months.

- A) A valid state or federal income tax return
- B) Illinois High School or college transcript
- C) Illinois Driver's License
- D) Utility or rent bills in the Applicant's (or Parent's) name
- E) Illinois Auto Registration card
- F) Residential lease in the Applicant's (or Parent's) name
- G) Wage and Tax Statements (IRS Form W-2)
- H) Statement of benefits history from the Illinois Department of Public Aid
- I) State of Illinois Identification Card issued by the Secretary of State
- J) Statement of benefits from the Illinois Department of Employment Security.

- 3) If an Applicant is a Resident of Illinois, but the Institution cannot document this fact in accordance with subsection (f)(2) above, the Applicant or the Institution may verify residency through ISAC's appeal process. (See: Section 2700.70.)

- g) Institutions may request first Term payment even though Verification is not yet complete. If, after Verification, an ISAC payment adjustment is appropriate, Institutions must submit the appropriate refund. If Verification is not completed within 60 days after the conclusion of the Regular School Year, the Institution shall return the first Term payment to ISAC. For other than the first Term of eligibility in an Academic Year, the Verification process must be completed before the Institution may request payment.

- h) When an Institution adjusts an Applicant's eligibility pursuant to Title IV, Part F, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1087kk et seq.), the Institution shall retain documentation which demonstrates the appropriateness of such adjustment.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Minority Teachers of Illinois (MTI) Scholarship Program

2) Code Citation: 23 Ill. Adm. Code 2763

3) Section numbers: Proposed Action:

2763.10

Amended

2763.20

Amended

2763.40

Amended

2763.50

Amended

4) Statutory Authority: Implementing Section 50 of the Higher Education Student Assistance Act [110 ILCS 947/50] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: Section 2763.10(a) and the definition of "Teacher Education Program" in Section 2763.20 have both been modified to add courses of study leading to certification as a preschool teacher as permissible programs of study under MTI. This implements a statutory change made by P.A. 87-0997. Throughout Section 2763.40, the term "commitment" has been changed to "requirement" in order to make the terminology consistent with that used for ISAC's other teacher scholarship programs. Section 2763.50(a) has been revised to reflect an improved application procedure. In order to give the student increased control over the timeliness of the submission of his or her application, the application will now be submitted directly to ISAC, with the institution providing a separate certification of eligibility. Previously, the applicant submitted the application to the school which, in turn, forwarded it to ISAC after the eligibility information was certified. The language in Section 2763.50(e) has also been modified to reflect this change, as well as to clarify certain terminology, and to delete an incorrect reference to ISAC. And finally, Section 2763.50(e)(4) has information is submitted to ISAC. And finally, Section 2763.50(e)(4) has added a reference to the new DeBolt Teacher Shortage Scholarship Program to the list of other teacher scholarships which an MTI recipient may not concurrently receive.

6) Will this proposed amendment replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203) [30 ILCS 805/3] and does not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015  
(708) 948-8500, EXT. 8804

12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begins on the following page:



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2763

## MINORITY TEACHERS OF ILLINOIS (MTI) SCHOLARSHIP PROGRAM

## Section

2763.10 Summary of Purpose

2763.20 Definitions

2763.30 Minority Scholar Eligibility

2763.40 Application Procedures

2763.50 Institutional Procedures

**AUTHORITY:** Implementing Section 50 of the Higher Education Student Assistance Act [110 ILCS 947/50] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

**SOURCE:** Emergency rules adopted at 15 Ill. Reg. 15621, effective October 11, 1991, for a maximum of 150 days; emergency expired on March 9, 1992; adopted at 16 Ill. Reg. 7048, effective April 21, 1992; emergency amendments adopted at 16 Ill. Reg. 16326, effective September 28, 1992, for a maximum of 150 days; emergency expired on February 25, 1993; emergency amendment at 17 Ill. Reg. 175, effective January 1, 1993, for a maximum of 150 days; emergency expired on June 1, 1993; amended at 17 Ill. Reg. 10585, effective July 1, 1993; amended at 18 Ill. Reg. 10325, effective July 1, 1994; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 2763.10 Summary of Purpose

a) The Minority Teachers of Illinois Scholarship Program encourages academically talented minority students to pursue careers as teachers at Illinois preschool, elementary and secondary schools. The program also aims to provide minority children with access to a greater number of positive minority role models.

b) This Part establishes the rules which govern the Minority Teachers of Illinois Scholarship Program. Additional rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized. Statutory language is italicized.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2763.20 Definitions

"Approved High School" - means any public high school located in this State; and any high school, located in the State or elsewhere (whether

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgement of the Superintendent provides a course of instruction at the secondary level, and maintains standards of instruction, substantially equivalent to those of public high schools located in this State (Section 10 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3010) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/10]).

"Cost of Attendance" - defined at Section 472 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 108711).

"Cumulative Grade Point Average" - means the average grade earned throughout a student's educational program. The calculation shall be consistent with the Institution's established policy or practice and shall be the same as that which is used for admission, placement, or other similar purposes.

"Eligible Applicant" - means a minority student who has graduated from high school or has received a General Educational Development Certification and has maintained a cumulative grade point average at the postsecondary level of no less than 2.5 on a 4.0 scale, and who by reason thereof is entitled to apply for scholarships to be awarded under this Section (Section 50(a) of the Higher Education Student Assistance Act).

"Institution of Higher Learning" - means an educational organization located in this State which:

provides at least an organized 2 year program of collegiate grade in liberal arts or sciences, or both, directly applicable toward the attainment of a baccalaureate degree, or, beginning with academic year 1972, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree,

either is (A) operated by this State, or (B) operated publicly or privately, not for profit,

in the judgment of the Commission meets the standards substantially equivalent to those of comparable institutions operated in this State, and

if so required by the Commission, uses the State as its primary guarantor of student loans made pursuant to the Higher Education Act of 1965. For otherwise eligible educational organizations which provide academic programs for incarcerated students, the terms "institution of higher learning", "qualified institutions", and "institution" shall specifically exclude academic programs

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

for incarcerated students (Section 10 of the Higher Education Student Assistance Act).

"Minority Scholar" - means an individual who ISAC determined to be eligible to receive an MTI scholarship and who receives or has received assistance under this Part.

"Minority Student" - means a student who is either:

*Black (a person having origins in any of the black racial groups in Africa);*

*Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race);*

*Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia; or*

*Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska (Section 50(a) of the Higher Education Student Assistance Act).*

"Qualified Student" - means a person:

*who is a resident of this State and a citizen or permanent resident of the United States;*

*who is a minority student, as defined in this Section;*

*who, as an eligible applicant, has made a timely application for a minority teaching scholarship under this Section;*

*who is enrolled on a full time basis at the sophomore level or above until his or her last semester at a qualified Illinois institution of higher learning as an undergraduate student and has not received a baccalaureate degree, except that last semester seniors must enroll only for a minimum of 6 credit hours in order to maintain eligibility under this Section;*

*who is enrolled in a course of study leading to a teacher certification;*

*who maintains a grade point average of no less than 2.5 on a 4.0 scale while enrolled at the postsecondary level; and*

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

who continues to advance satisfactorily toward the attainment of a degree (Section 50(a) of the Higher Education Student Assistance Act).

"Teacher Education Program" - means an undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as an preschool, elementary or secondary school teacher by the Illinois State Board of Education. For the purposes of a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a Teacher Education Program.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 2763.40 Application Procedures

- a) Applications for the Minority Teachers of Illinois Scholarship Program are available from qualified Institutions of Higher Learning, state legislative and congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.
- b) ISAC will mail renewal applications to all Qualified Students who received MTI Scholarships during the preceding Academic year.
- c) A completed application must be received in ISAC's Deerfield office on or before the August 1 immediately preceding the academic year for which the scholarship is being requested in order to receive priority consideration for a full-year, full-amount award.
- d) If the student section of an application is incomplete, notification will be sent to the Eligible Applicant. The Eligible Applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date when the student section is complete and received by ISAC. If the school section of an application is incomplete, ISAC will notify the Institution directly. When the school submits the missing information ISAC will consider the application filed on the date that it was originally received.
- e) Eligibility notification shall be sent to each Qualified Student who is selected as a Minority Scholar.
- f) Eligible Applicants shall be required to furnish the postsecondary Institution at which they are enrolled with a copy of their high school transcripts, any other documentation verifying high school graduation, or a copy of their General Educational Development Certificates.
- g) During any academic year in which a Minority Scholar receives assistance under this Part, the Minority Scholar shall be required to sign a Teaching Agreement/Promissory Note prior to receipt of any scholarship assistance. The terms of the Teaching Agreement/Promissory Note shall include the following:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2763.50 Institutional Procedures

- a) The Institution shall submit the certification of eligibility for Qualified Students with signed-----Application/Teaching Agreement/Promissory--Note--to-ISAC-on-behalf-of-the-Minority-Scholar--the-submission-of-the-signed-Application/Teaching-Agreement/Promissory Note-shall-represent-the Institution's request for payment.
- b) ISAC shall disburse scholarship funds in two or three installments, depending on the number of Terms financed by the scholarship; except that, multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the Academic Year for which the scholarship is being awarded or when a student is attending only one semester and the maximum award does not exceed the student's Cost of Attendance.
- c) Funds shall be remitted by ISAC to Institutions on behalf of Minority Scholars. When requesting payment of scholarship funds, the Institution shall certify to ISAC that the Applicant is a Qualified Student as defined in Section 2763.20 of this Part.
- d) Scholarship funds are applicable towards up to two semesters/three quarters of full-time study within an Academic Year. Upon receipt of scholarship funds, the Institution shall verify the Scholar's enrollment status. If the Minority Scholar is Enrolled, the Institution may credit the scholarship funds to the recipient's account for expenses then due and payable. The balance of the disbursement shall be released to the Minority Scholar. If the Minority Scholar has withdrawn from enrollment, the Institution shall return the total amount of the scholarship to ISAC.
- e) Scholarship Amount
  - 1) In accordance with this subsection, the Institution at which the Minority Scholar is enrolled shall compute the amount size of the scholarship, and-----submit-----a-----completed-----certified Application/Teaching-Agreement/Promissory--Note. The Minority Scholar must have reviewed and signed the Application/Teaching Agreement/Promissory Note prior to the receipt of any scholarship assistance.
  - 2) Minority Teachers of Illinois Scholarships are applicable only toward tuition and fee fees and room and board charges or commuter allowances, if applicable. The annual scholarship awarded to a Qualified Student must not exceed: be the lesser of:
    - A) tuition and fees plus room and board expenses charged by the Institution (as-reported-to-ISAC-pursuant-to--23--Ill--Adm-Code-----2760-304e)-----General-----Institutional-----Eligibility Requirements); or
    - B) tuition and fees plus the standard commuter allowance for students living off-campus (as-reported-to-ISAC-pursuant-to-

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

- 1) a pledge on the part of the recipient to teach one year for each year of scholarship aid received, or for any portion of a year for which aid was received, under this Part;
- 2) a stipulation that such teaching requirement commitment will be fulfilled within the 10-year period following the termination of the undergraduate program for which the Minority Scholar received assistance under this Part;
- 3) a stipulation that such teaching requirement commitment will be fulfilled at a nonprofit Illinois public, private or parochial preschool, elementary school or secondary school at which no less than 30 percent of the enrolled students are Minority Students, as certified by the Illinois State Board of Education; and
- 4) a further stipulation that, if the teaching requirement commitment is not fulfilled, the scholarship converts to a loan and the Minority Scholar must repay the entire amount of the scholarship(s) pro-rated according to the fraction of the teaching obligation not completed, plus interest at a rate equal to that defined by federal regulations and, if applicable, reasonable collection fees.
- h) A Minority Scholar shall not be in violation of the teaching agreement, and thus not be required to commence repayment as set forth in subsection (g)(4) of this Section, if the recipient:
  - 1) enrolls as a full-time graduate student in a course of study related to teaching at a qualified Institution of Higher Learning;
  - 2) serves, for not more than three years, as a member of the United States armed services;
  - 3) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a qualified physician;
  - 4) is seeking and unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (g)(3) of this Section, and is able to provide evidence of that fact;
  - 5) becomes permanently totally disabled as established by the sworn affidavit of a qualified physician; or
  - 6) withdraws from a course of study leading to a teacher certification but remains enrolled on a full-time basis in another academic discipline.
- i) A Minority Scholar shall not be required to repay the amount of the scholarship(s) received if she/he becomes permanently totally disabled as established by the sworn affidavit of a qualified physician (see e.g., 34 CFR 653.42(k)(1)) or if his or her representative provides ISAC with a death certificate or other evidence that the scholar has died.
- j) All repayments collected from Minority Scholarship recipients shall be forwarded to the State Comptroller for deposit into the State's General Revenue Fund.



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

29-111--Adm--Code-2700-304ett; or  
C) a maximum of \$5,000.

- 3) The total amount of Minority Teachers of Illinois Scholarship assistance awarded to a Scholar in a given academic-year Academic Year, when added to the other financial aid available to the Minority Scholar for that year, cannot exceed the Cost of Attendance.
- 4) In any Academic Year in which the Minority Scholar accepts financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762) or the David A. DeBolt Teacher Shortage Scholarship Program (see 23 Ill. Adm. Code 2764), the Minority Scholar shall not be eligible for scholarship assistance under this Part.
- 5) A Minority Scholar may receive grant assistance under the Monetary Award Program (23 Ill. Adm. Code 2735) only up to the amount by which the Minority Scholar's Cost of Attendance exceeds the amount of the scholarship.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

- |    |                             |                              |
|----|-----------------------------|------------------------------|
| 1) | <u>Heading of the Part:</u> | MONETARY AWARD PROGRAM (MAP) |
| 2) | <u>Code Citation:</u>       | 23 Ill. Adm. Code 2735       |
| 3) | <u>Section numbers:</u>     | <u>Proposed Action:</u>      |
|    | 2735.20                     | Amended                      |
|    | 2735.30                     | Amended                      |
|    | 2735.70                     | Amended                      |
|    | 2735.80                     | Amended                      |
- 4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act (see 87-997, effective September 3, 1992) [110 ILCS 947/35 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: In Section 2735.20(a)(3), we have provided further clarification of what is an eligible degree or certificate program by referencing the federal requirements contained in regulations at 34 CFR 668.8. The remaining changes to that Section are merely cosmetic. Section 2735.30(g) has been amended to reflect operational changes currently being piloted in an alternative delivery process for MAP. Under this alternative, MAP applicants may receive information about whether or not they are receiving an award and if so, the specific dollar amount of their award, from either their school or from ISAC. Section 2735.70(d) has been amended to reflect changes made to accommodate the increased usage of classes offered through telecommunications, or distance learning. In addition to incorporating the newly defined term "institution of record," which is contained in General Provisions at 23 Ill Adm. Code 2700.20, language has been changed to allow for the possibility of students attending classes offered by more than two institutions. Also, amendments have been made to Section 2735.70(d)(5) to better reflect the information needed to monitor students who are concurrently registered in classes through multiple institutions. And finally, a minor change has been made to Section 2735.70(e)(1) to clarify the circumstances under which out-of-state/foreign study is permissible under MAP.

6) Will this proposed amendment replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3] and does not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
- Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:
- Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015  
(708) 948-8500, EXT. 3304
- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begins on the following page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

- TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION  
PART 2735  
MONETARY AWARD PROGRAM (MAP)

Section	Summary and Purpose
2735.10	Applicant Eligibility
2735.20	Application for MAP Grants
2735.30	Determination of Financial Eligibility
2735.40	Institutional Packaging of Gift Assistance
2735.50	Institutional Eligibility
2735.60	Enrollment Requirements
2735.70	Disbursement of MAP Grants
2735.80	Contractual Agreement Requirements
2735.100	Advance Payment Formula
APPENDIX A	

AUTHORITY: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990; amended at 16 Ill. Reg. 11296, effective July 1, 1992; emergency amendment at 16 Ill. Reg. 19237, effective November 23, 1992, for a maximum of 150 days; emergency expired on April 22, 1993; emergency amendment at 17 Ill. Reg. 6672, effective April 15, 1993, for a maximum of 150 days; emergency expired on September 18, 1993; amended at 17 Ill. Reg. 10596, effective July 1, 1993; amended at 17 Ill. Reg. 22576, effective January 1, 1994; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 2735.20 Applicant Eligibility

- a) All MAP grant recipients must be:
- 1) be Citizens or Eligible Noncitizens of the United States, and Residents of Illinois;
  - 2) be Students in good standing in accordance with their Institution's policy of Satisfactory Academic Progress;
  - 3) be Enrolled in an eligible degree or certificate program [34 CFR 668.8] on at least a Half-time basis at a MAP-approved postsecondary Institution--~~See~~ Section 2735.60-7. A recipient may receive MAP grant payment for less than Half-time enrollment

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

provided the recipient was Enrolled on at least a Half-time basis throughout the Institution's Tuition refund/withdrawal adjustment period (See Section 2735.70(g).); and

A) A recipient may receive a MAP grant payment for less than a Half-time enrollment provided the recipient was Enrolled on at least a Half-time basis throughout the Institution's tuition refund/withdrawal adjustment period. (See Section 2735.70(g).)

4) B) Effective with Terms beginning on or after July 1, 1990, no person who is not be incarcerated, may receive a MAP grant.

b) All recipients must demonstrate financial eligibility as determined from the financial data supplied to the Illinois Student Assistance Commission (ISAC). (See: Section 2735.40.)

c) Eligibility is restricted to undergraduate students.

1) MAP recipients must not have received a baccalaureate degree.

2) Graduate Students are not eligible for MAP assistance. For purposes of this part, an Institution shall classify as a "Graduate Student" any student who:

A) is enrolled in an academic program or course above the baccalaureate level which is leading to any degree above the baccalaureate level; and

B) is not eligible to receive federal financial assistance (34 CFR 674.2, 675.2, 676.2) as an undergraduate student; and

C) has completed the equivalent of at least three years of Full-time postsecondary study, either prior to entrance into the academic program or as part of the academic program itself.

d) A recipient may receive the equivalent of 10 semesters/15 quarters of Full-time MAP grant payment. (See: 23 Ill. Adm. Code 2700.40(h).) If a recipient has accumulated less than sixty eligibility units, s/he may receive one additional Term of Full-time MAP assistance.

e) Seniors in their last Term of enrollment prior to receiving a baccalaureate degree and Applicants Enrolled in student teaching are classified as Full-time Students for purposes of MAP grant eligibility.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2735.30 Application for MAP Grants

a) An application for a MAP grant must be submitted annually. An Applicant uses the form which the United States Department of Education (ED) designates as an application form for federal student financial aid. (See Section 483 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070a).)

b) Priority Consideration Dates  
Regular School Year applications must be received before June 1

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

immediately preceding the Regular School Year for which the application is being made from students who had applied for a MAP grant for the previous Regular School Year in order to receive priority consideration for a full year award. Regular School Year applications must be received before October 1 from students who had not applied for a MAP grant the previous Regular School Year in order to receive priority consideration for a full year award.

c) Priority Processing Guidelines

1) Students who file applications will be considered for full or partial year MAP awards based on available funds and the following:

A) Prior to June 1 preceding the Regular School Year for which assistance is being requested, students who had not applied for a MAP award the previous Regular School Year and students who did apply for a MAP award the previous Regular School Year will both be considered for full-year awards;

B) From June 1 until October 1, students who had not applied for a MAP award the previous Regular School Year will be considered for full year awards; while students who did apply for a MAP award the previous Regular School Year will be considered for second semester or second and third quarter awards only;

C) On or after October 1, and until the date of final suspension of award announcements for that Regular School Year, students who had not applied for a MAP award the previous Regular School Year will be considered for second semester or second and third quarter awards only; while students who did apply for a MAP award the previous Regular School Year will not be considered for a MAP award at all;

2) During the time periods referenced above, awards will be announced concurrently, both to students who had not applied for a MAP award the previous Regular School Year, and to students who did apply for a MAP award during the previous Regular School Year. Award announcements will be made concurrently through the date of suspension of award announcements;

3) If it becomes necessary to suspend the processing of award announcements in order to remain within appropriated funding levels, the suspension will be applied concurrently to students who had not applied for a MAP award for the previous Regular School Year and to students who did apply for a MAP award the previous Regular School Year;

4) Corrections to applications received prior to the final suspension of award announcements will be processed and announced up to two months after the final suspension date or until the completion of the processing cycle, whichever comes first.

d) Students eligible for winter or spring term awards who have missed the June 1 priority date and who are graduating midyear may request that their winter or spring award be used for fall term.



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

- e) To the extent necessary to administer the program within the limits of the MAP appropriation, the Commission may adjust the priority consideration dates and the priority processing guidelines established by this Section.
- f) When an application is incomplete, a notice will be sent to the Applicant. The Applicant then has an opportunity to furnish the missing information; however, depending on processing schedules, the Applicant may be considered only for subsequent Term awards.
- g) ~~ISAC informs~~ Applicants are informed that they are MAP recipients on the basis of application data supplied to ISAC. All announced MAP recipients are subject to Verification and awards are contingent upon the availability of funds.
- h) The Commission shall annually establish and publicize guidelines for the release of or increase in MAP awards as additional funds become available.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2735.70 Enrollment Requirements

- a) It is the responsibility of MAP recipients to gain admission to approved Illinois Institutions. Illinois Institutions are not obligated to admit Monetary Award recipients. Once the recipient is Enrolled and attending classes, the Institution shall receive payments for Tuition and other Mandatory Fees provided by the award. The Institution is obligated to provide Monetary Award recipients the same facilities and instruction, on the same terms, as are provided to other students.
- b) The MAP grant shall not pay for academic programs intended to prepare a student for the General Educational Development (GED) Test or for a high school diploma. (See: e.g., 23 Ill. Adm. Code 215.)
- c) The MAP grant shall not pay for audit courses, credit-by-examination and/or life experience, non-credit course offerings (except qualifying remedial courses), or correspondence courses. Such course work cannot be used to meet the Half-time or Full-time requirement. Remedial courses shall be eligible for MAP payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as a part of that program. Payment shall not be made for more than the equivalent of one year of remedial coursework (i.e., 30 semester hours or 45 quarter hours).
- d) For any Institution which has Concurrent Registration opportunities, the following policy pertains:
- 1) The recipient must indicate his/her Institution of Record record on the MAP application.
  - 2) The payment of the Term award by ISAC will require the Institution of Record record to receive MAP payment on behalf of both any other Institutions Institution(s) and to the

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

Institution of Record shall distribute the appropriate share of the award to the other ~~Institution~~ Institution(s). Payment by ISAC will not be made to ~~two--Institutions~~ more than one Institution(s).

- 3) The amount paid cannot exceed the maximum Term award for Full-time or Half-time Students at the Institution of Record, or the Tuition and Mandatory Fee costs at the Institution of Record if the costs are less than the maximum Term award.
- 4) Concurrent Registration is limited to MAP-approved Institutions.
- 5) The recipient's ~~official~~ academic record(s) ~~transcript~~ at the Institution of Record record must document indicate the total number of credit hours for in which the student is Enrolled.
- e) If a recipient's academic program involves out-of-state and/or foreign study, enrollment must be in accordance with the following provisions:
  - 1) The recipient must be Enrolled at the MAP-approved Institution, and the out-of-state/foreign study must be applicable to the student's degree or certificate program at the student's Institution of Record. ~~in--conjunction--with--the--approved Institution's--curriculum;~~
  - 2) The MAP-approved Institution must record the course credits on the official academic transcript as institutionally earned credit and not as transfer credit.
  - 3) The recipient must be Enrolled Full-time and must be charged Tuition and fees at least equal to Tuition and Mandatory Fees charged all students.
  - 4) An Institution shall not request more than two semesters/three quarters of MAP assistance for any one recipient.
  - f) If an announced recipient's credit hour enrollment decreases, the Institution shall only request payment up to the amount of actual expenses incurred.
  - g) If an Applicant withdraws from enrollment after the expiration of the Tuition refund/withdrawal adjustment period, the Applicant shall receive MAP grant payment for costs incurred up to the Term award provided the Institution's Tuition refund policy indicates the Applicant has incurred charges in the amount of the claim.
  - h) Eligibility units are accumulated by a recipient whenever MAP funds are disbursed on behalf of the recipient. (See: 23 Ill. Adm. Code 2700.40(h).)

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2735.80 Disbursement of MAP Grants

- a) Upon receipt of a payment request from the Institution of Record, ISAC remits MAP grant funds to the Institution on behalf of the recipient. The Institution shall credit these funds to the recipient's account.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

- b) MAP grants are divided into two semester or three quarter regular Term payments and are paid directly to the approved Institution of Record which certifies to ISAC that the Applicant is an eligible recipient.
- 1) ISAC will annually establish priority claim dates for the return of payment request lists and inform schools of the required priority dates.
  - 2) Late return of payment request lists will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.
  - 3) Under no circumstances are Institutions to return their payment request lists until after the second week of classes for the Term for which they are requesting payment.
  - c) MAP grant payment is subject to the limits of dollars appropriated to the ISAC by the General Assembly.
  - d) Institutional Processing of Payments
    - 1) Within thirty days of receiving payment of any MAP funds claimed or advanced pursuant to this Section, the Institution shall credit the MAP funds against the recipients' Tuition and Mandatory Fee charges for the appropriate Term.
    - 2) Following receipt of payment for the Term, Institutions are required to review payments received through the ISAC Monetary Award Program. Any payments received by the Institution that are determined in the review to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic Term. Refunds may be caused by billing errors, retroactive withdrawals, and other miscellaneous reasons authorized by these Rules. Should the payment arrive after the end of the Term, the Institution will have 30 days following receipt of payment to complete the review process and return any refunds due.
    - 3) Award payments made in the name of one recipient cannot be applied to another recipient at the same Institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.
    - 4) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than September 1 due to the State's fiscal year lapse period ending on September 30.
    - 5) Payment requests received after September 1 for the prior Academic Year will be processed as time and available funds permit; however, final action may require Institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See: The Court of Claims Act (Ill. Rev. Stat. 1991, ch. 37, par. 439.1 et seq.) [705 ILCS 505].)
    - 6) If the Institution does not submit refunds as required by this Section, ISAC will deduct outstanding refunds from subsequent institutional payment requests.
    - e) Advance Payment Option

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

- 1) MAP-approved Institutions may request consideration for the advance payment option. To be eligible, the Institution must have received MAP payments for each of the last five Academic Years, and ISAC must have completed an audit of the Institution's performance during the aforementioned Academic Years. Institutions with provisional eligibility shall not receive advance payments. (See: 23 Ill. Adm. Code 2700.30(i)(5).)
- 2) Subject to the availability of funds, payments are advanced on a Term-by-Term basis. Advance payments are made in an amount not to exceed seventy-five percent of a Term's announced recipients, adjusted for attrition as determined by subsection (3)(B). The formula by which ISAC computes an Institution's advance payment is illustrated in Appendix A of this Part.
- 3) For purposes of computing an Institution's advance payment, ISAC uses the lowest retention rate resulting from the following three formulae.
  - A) Dollar value of the previous fiscal year's claimed awards divided by the dollar value of the previous fiscal year's announced awards.
  - B) Number of claimed awards for the previous fiscal year divided by the number of awards announced during the previous fiscal year.
  - C) Using the formula in subsection (e)(3)(B) above, compute the retention rate for the previous five fiscal years. Add the five retention rates and divide by five to produce the five year average retention rate.
- 4) Requests for advance payment shall be submitted by June 1st with the annual tuition and fee charges (see 23 Ill. Adm. Code 2700.30(e)). The balance of payment due for the current Term will be paid to the Institution after ISAC receives a payment request.
- 5) If an Advance Payment received by an Institution exceeds the total grant payments for which that Institution's students are eligible, the Institution shall submit the appropriate refund to ISAC prior to the end of the Academic Year.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: PAUL DOUGLAS TEACHER SCHOLARSHIP PROGRAM

2) Code Citation: 23 Ill. Adm. Code 2762

3) Section numbers: Proposed Action:

2762.20 Amended  
2762.30 Amended  
2762.40 Amended

4) Statutory Authority: Implementing and authorized by Section 551 et seq. of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1111 et seq.), and Section 20(b) and (f) of the Higher Education Student Assistance Act [110 ILCS 947/20(b) and (f)].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: Section 2762.30(b)(2) has been amended to include a minor change in terminology requested by the U.S. Department of Education (ED), as well as to clarify that a student having qualified by virtue of having a satisfactory GED score need not be a high school graduate. Section 2762.30(b)(3)(A)(iii) has been modified to include clarifying language requested by ED as well. Section 2762.30(d)(2)(F) has been revised to include students from low-income families as a specific new subtype of students from disadvantaged backgrounds. Language has been added to Section 2762.40(f)(3) to clarify that when the student's total federal Title IV assistance, when added to a Paul Douglas Teacher Scholarship, exceeds the student's cost of attendance, the Paul Douglas Teacher Scholarship may not be reduced. Section 2762.40(f)(4) adds the new David A. DeBolt Teacher Shortage Scholarship (which incorporates the former Mathematics or Science Teacher Scholarship Program) to the list of other teacher scholarships which Paul Douglas Teacher Scholarship recipients may not concurrently receive.

6) Will this proposed amendment replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

Act [30 ILCS 805/3] and does not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015  
(708) 948-8500 ext. 3304

12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begins on the following page:



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2762

## PAUL DOUGLAS TEACHER SCHOLARSHIP PROGRAM

Section	
2762.10	Summary and Purpose
2762.20	Definitions
2762.30	Scholar Eligibility
2762.40	Program Procedures

**AUTHORITY:** Implementing and authorized by Section 551 et seq. of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1111 et seq.), and Section 20(b) and (f) of the Higher Education Student Assistance Act [110 ILCS 947/20(b) and (f)].

**SOURCE:** Emergency Rule adopted at 10 Ill. Reg. 12690, effective July 18, 1986, for a maximum of 150 days; adopted 11 Ill. Reg. 3159, effective January 29, 1987; amended at 12 Ill. Reg. 11559, effective July 1, 1988; amended at 13 Ill. Reg. 8650, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1762 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2762 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17865; amended at 16 Ill. Reg. 11313, effective July 1, 1992; amended at 17 Ill. Reg. 10611, effective July 1, 1993; amended at 18 Ill. Reg. 10333, effective July 1, 1994; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2762.20 Definitions**

"Federal Regulations **Regulation**" - Regulations promulgated by the United States Department of Education (ED) and codified at 34 CFR 653.

"Qualified Applicant" - An Applicant who meets the requirements of Section 2762.30(b).

"Scholar" - An individual who has received scholarship assistance under this Part.

"Teacher Education Program" - An undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education or its equivalent (including the Illinois State Board of Education). For a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a Teacher Education Program.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

**Section 2762.30 Scholar Eligibility**

a) ISAC shall accept applications to be a Paul Douglas Teacher Scholar in accordance with Section 2762.40, Program Procedures.

b) From among the timely Applicants, ISAC shall identify the Qualified Applicants. A "Qualified Applicant" is defined as an individual who meets the requirements of this subsection.

1) A Qualified Applicant must be a United States Citizen or an Eligible Noncitizen, and a Resident of Illinois.

2) A Qualified Applicant must be a high school graduate, its equivalent or a student scheduled to graduate from high school by the end of the secondary school term year in which the award is made, who:

A) graduated or will graduate in the top ten percent of his/her graduating class; or

B) received a General Educational Development (GED) test score recognized by the General Educational Development Testing Service as the equivalent to ranking in the top ten percent of the United States' high school graduates.

3) A Qualified Applicant must be Enrolled, or accepted for enrollment, as an undergraduate or graduate student seeking initial certification in a Teacher Education Program.

A) The Applicant must be:

i) be Enrolled or accepted for enrollment on a Full-time basis;

ii) be Enrolled in the last academic term before graduation or engaged in student teaching if enrolled less than full-time; and

iii) maintain satisfactory progress toward a degree, or, if the student already has a degree, toward teacher certification, in accordance with the Institution's Satisfactory Academic Progress Policy.

B) Enrollment must be with a postsecondary Institution that is approved by the U.S. Department of Education to participate in federal student assistance programs. (See, e.g., 34 CFR 600.10, 600.20, 668.12.)

c) Applicants will be notified whether they are Qualified Applicants. A non-qualified applicant may appeal in accordance with 23 Ill. Adm. Code 2700.70, Appeal Procedures.

d) Recipients shall be selected from among the Qualified Applicants on the basis of the following criteria:

1) Postsecondary Academic level. Awards will be made first to renewal Scholars, then to all graduate students and seniors, then to all juniors, then to all sophomores, and then to all freshmen.

2) Special Consideration. If there are insufficient funds to award

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

scholarships to all Qualified Applicants, ISAC shall give special consideration to Qualified Applicants who are within the same academic level who:

- A) intend to teach or provide related services to students with disabilities;
  - B) intend to teach limited English proficient students;
  - C) intend to teach preschool age children;
  - D) intend to teach in schools servicing inner city or rural or geographically isolated areas;
  - E) intend to teach in curricular areas or geographic areas where there are demonstrated shortages of qualified teachers; or
  - F) are from disadvantaged backgrounds, including students from low-income families; racial and ethnic minorities; individuals with disabilities; and students are underrepresented in the teaching profession or in the curricular areas in which they are preparing to teach.
- 3) Shortage of Teachers. If there are insufficient funds to award scholarships to all Qualified Applicants within a given Academic Level who are entitled to special consideration, awards will be made first to all Applicants Enrolled in an academic discipline in which Illinois has a shortage of teachers, as determined annually by the Illinois State Board of Education. (See: 23 Ill. Adm. Code 54. Subpart D.) Funds will next be awarded to Applicants at the same Academic Level in nonshortage disciplines.
- 4) The Expected Family Contribution (EFC) derived from Federal Methodology. If funds are insufficient to make awards to all Applicants who are entitled to special consideration, to all Applicants in shortage disciplines or to all Applicants in non-shortage disciplines, within an Academic Level, Applicants will be ranked in order of the Applicant's EFC, from lowest to highest. (See: Section 2762.40(b); Title IV, Part F of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1087kk).) Awards will be made within the relevant group in order of increasing EFC. Those Applicants who did not apply for federal student financial aid, and therefore do not have an EFC, are eligible to receive this scholarship but will be ranked last in their relevant group.

e) A Scholar shall receive a scholarship renewal provided the Scholar continues to meet the requirements of subsections (b)(1) and (3) of this Section. No Scholar may receive more than eight semesters/twelve quarters of scholarship assistance. A Scholar shall not receive a scholarship renewal if the Scholar remains at the same academic level for more than two years.

f) The total number of Scholars selected is contingent upon the available funds and the number of scholarship renewals. All scholarships and scholarship renewals are contingent upon sufficient appropriation.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2762.40 Program Procedures

a) ISAC Applications for the Paul Douglas Teacher Scholarship Program are available for distribution to students from: approved High Schools in Illinois; offices of Congressional Representatives from State of Illinois; offices of ISAC in Springfield, Chicago, and Deerfield; and postsecondary Institutions throughout Illinois.

b) A completed application must be received in ISAC's Deerfield office on or before August 1 preceding the Academic Year for which the scholarship is being requested in order to receive priority consideration.

1) All Applicants who had not previously been designated as Scholars should also apply for federal student financial aid to determine EFC for the purpose of determining their rank within their relevant group. (See: 20 U.S.C.A. 1070a.)

2) First-time Applicants must also provide their postsecondary Institution a copy of their high school transcript, any other documentation which verifies rank in class upon high school graduation, or documentation showing their GED test scores. The Institution shall certify to ISAC whether the Applicant is a Qualified Applicant as defined at Section 2762.30(b).

c) A congratulatory letter shall be sent to each Qualified Applicant who is selected as a Scholar. A listing of Scholars shall be made available to Institutions, members of Congress, and to the media.

d) Renewal applications are mailed annually to eligible Scholars and must be submitted to ISAC on or before August 1 preceding the Academic Year for which the scholarship is being requested in order to receive priority consideration.

e) Prior to receiving scholarship assistance for any Academic Year, the Scholar must sign a Teaching Agreement/Promissory Note that is submitted to ISAC.

1) The Teaching Agreement/Promissory Note shall require the Scholar to either:

- A) fulfill the teaching requirements within ten years after completing the postsecondary education degree program for which the scholarship was awarded, or
- B) repay all or part of the scholarship, plus interest, as provided by Federal Regulations. (See: 34 CFR 653.42(c)(1).) The teaching requirement is prorated based upon whether the student received the scholarship for a semester or quarter rather than a full academic year.

2) The Teaching Agreement/Promissory Note shall include:

- A) a stipulation that the Scholar teach on a full-time basis for a period of not less than two years, for each year of assistance received, in a public or private nonprofit

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

h) A Scholar will be entitled to defer payments due, as outlined in subsection (e)(1)(B) of this Section, during any period in which the recipient meets the conditions outlined in Section 528 of the Higher Education Act, as amended or applicable federal regulations (see 34 CFR 653.62(g)).

- i) A Scholar shall be excused from repayment, for any scholarship assistance received under this Part, if the recipient becomes permanently totally disabled as established by the sworn affidavit of a qualified physician or if his or her representative provides ISAC with a death certificate or other evidence that the Scholar has died.
- j) Scholars and Applicants may appeal administrative decisions made pursuant to this Part in accordance with ISAC appeal procedures. (See 23 Ill. Adm. Code 2700.70).

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: STATE SCHOLAR PROGRAM2) Code Citation: 23 Ill. Adm. Code 27603) Section numbers: Proposed Action:

2760.30 Amended  
 2760.APPENDIX A Added  
 2760.APPENDIX B Added

4) Statutory Authority: Implementing Section 25 and authorized by Section 20 (f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3025 and 3020(f)) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/25 and 20(f)].

5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: Section 2760.30(a) has been modified to reflect a change in one of the tests which applicants may take in order to be considered for designation under this program. The old Scholastic Aptitude Test, or SAT, has been replaced by the new SAT I: Reasoning Test. The new test has a different "recentered" scoring scale, which no longer permits the direct conversion of the verbal and math scores into an equivalent ACT score. As a result, Section 2760.30(e) has been amended and two new tables have been added as appendices A and B, which convert new SAT I scores into the original equivalent SAT scores. The resulting old scores may then be converted into an equivalent ACT score, as was previously done. And finally, Section 2760.30(i) is amended to clarify that students who qualify for designation as State Scholars by virtue of having test scores at or above the 95th percentile may do so regardless of their class rank.

6) Will this proposed amendment replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par 2203) [30 ILCS 805/3] and does not require a local government to establish, expand or modify its activities

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez  
 Compliance Counsel  
 Illinois Student Assistance Commission  
 1755 Lake Cook Road  
 Deerfield, Illinois 60015  
 (708) 948-8500 Ext. 3304

12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT(S)

- 2) All scores from such tests taken during the designated period must be submitted to ISAC.
- 3) If a student submits scores from any two examinations taken during the designated period, ISAC will use the higher of the two scores.
- 4) If the student submits scores from more than two examinations, taken during the designated period, ISAC will disregard the lowest score and use the average of the remaining scores.
- 5) When a student submits scores to ISAC, the student must report his/her Academic Level at the time the test was taken.
- b) ISAC will accept supplementary score reports of tests taken during the designated period upon the student's authorization to the test service. Such authorization by the student must be received by ISAC before August 1.
- c) Students who, for any reason, are unable to take a test on a regular testing date should make special arrangements to be tested in accordance with the procedures of the testing service. Any such special arrangements must take into account the test score submission deadline in subsections (a) and (b).
- d) High Schools shall provide to ISAC the sixth semester class ranks of students who desire to be considered for the State Scholar Program.

1) Class ranks are to be calculated so that the class rank for the lowest Grade Point Average (GPA) equals the total number of students being ranked.

Example:	Class Rank	GPA
1	99.3	
2	98.9	
2	98.9	
4	98.1	
5	97.9	
5	97.9	
7	97.4	

2) The equivalent Term rank shall be provided for students planning to graduate in other than the traditional four years; for example, class ranks for three-year graduates shall be determined at the conclusion of the fourth semester.

e) Test scores submitted in accordance with this Part shall be converted to an Illinois Standard Test Score as follows:

- 1) The ACT Assessment Composite Score shall be the Illinois Standard Test Score.
- 2) Effective with all SAT I tests administered as of April, 1995, recentered SAT I verbal and math scores shall be converted to original SAT scores using the equivalence tables contained in Appendices A and B to this part.
- 23) ~~The-Scholastic-Aptitude-Test--Scores-shall-become-the-Illinois-Standard-Test-Score-by-adding--the-~~  
The equivalent original SAT verbal and math scores shall be added, and then converted to the Illinois Standard Test Score using the table below. ~~to-determine~~

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2760  
STATE SCHOLAR PROGRAM

Section	Summary and Purpose
2760.5	Selection Criteria
2760.30	Testing and Class Ranking of Students to be Considered for Program
2760.40	Other Information

APPENDIX A	SAT Verbal Equivalence Table
APPENDIX B	SAT Mathematical Equivalence Table

AUTHORITY: Implementing Section 25 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3025 and 3020(f)) (see P.A. 87-997, effective September 3, 1992)) [110 ILCS 947/25 and 20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 7, 1980; rules repealed, new rules adopted at 5 Ill. Reg. 7251, effective June 26, 1981; amended at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10878; amended at 9 Ill. Reg. 20877, effective January 1, 1986; amended at 11 Ill. Reg. 3242, effective January 29, 1987; amended at 11 Ill. Reg. 14137, effective August 10, 1987; amended at 13 Ill. Reg. 8654, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1760 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2760 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17868; amended at 14 Ill. Reg. 10589, effective July 1, 1990; amended at 16 Ill. Reg. 11321, effective July 1, 1992; amended at 17 Ill. Reg. 10624, effective July 1, 1993; amended at 18 Ill. Reg. 10346, effective July 1, 1994; amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 2760.30 Testing and Class Ranking of Students to be Considered for Program

a) To be considered for the State Scholar Program, a student must take either the American College Testing (ACT) Assessment or the College Board's SAT I: Reasoning Test ~~Scholastic-Aptitude-Test-(SAT)~~, during his/her fifth or sixth semester of high school. Students planning to graduate from high school in other than the traditional four years must take such examination in an equivalent Term; e.g., the three-year graduate must take the examination in the third or fourth semester.

- 1) A student may take either or both examinations during the designated period.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

**the-act-equivalent-score-**

## Illinois Standard Test Score Table

Illinois Standard Score	SAT V + M	ACT Composite
36	1550 to 1600	36
35	1490 to 1540	35
34	1440 to 1480	34
33	1380 to 1430	33
32	1330 to 1370	32
31	1290 to 1320	31
30	1240 to 1280	30
29	1200 to 1230	29
28	1160 to 1190	28
27	1110 to 1150	27
26	1070 to 1100	26
25	1030 to 1060	25
24	990 to 1020	24
23	950 to 980	23
22	910 to 940	22
21	860 to 900	21
20	820 to 850	20
19	770 to 810	19
18	720 to 760	18
17	680 to 710	17
16	630 to 670	16
15	580 to 620	15
14	540 to 570	14
13	500 to 530	13
12	460 to 490	12
11	430 to 450	11
10	410 to 420	10
9	400	9

f) High School class ranks submitted in accordance with this Part shall be converted to an Illinois Standard Rank Score as follows:

- 1) First, determine the percentile of the class rank for each student in accordance with the following formula:  
Percentile = [(Size of Class MINUS (Rank in Class minus .5))] divided by Size of Class

- 2) Then, use table below to convert a percentile class rank to the Illinois Standard Rank Score.

Percentile	Illinois Standard Rank Score
99.75 - 99.99	30
99.54 - 99.74	29
99.19 - 99.53	28
98.62 - 99.18	27
97.73 - 98.61	26
96.42 - 97.72	25
94.53 - 96.41	24

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

91.93 - 94.52	23
88.50 - 91.92	22
84.14 - 88.49	21
78.82 - 84.13	20
72.58 - 78.81	19
65.55 - 72.57	18
57.94 - 65.54	17
50.00 - 57.93	16

- g) An Illinois Weighted Selection Score for each student shall be computed by multiplying the Illinois Standard Test Score by two, and adding that result to the Illinois Standard Rank Score.
- h) In any Academic Year, the number of State Scholars is approximately equal to ten percent of the estimated total number of Illinois high school graduates. ISAC annually establishes a minimum Weighted Selection Score to yield this result.
- i) Notwithstanding the previous provisions in this Section, any student nominated by his or her school shall be designated a State Scholar if that student achieves a score at or above 95th percentile on the American College Testing (ACT) standardized assessment examination, or the equivalent thereof on a comparable examination, regardless of that student's class rank.

(Source: Amended at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

## Section 2760.APPENDIX A SAT Verbal Equivalence Table

Recentered Scale to Original Scale

<u>Recentered Scale</u>	<u>Original Scale</u>	<u>Recentered Scale</u>	<u>Original Scale</u>
800	740	500	420
790	720	490	410
780	710	480	400
770	700	470	390
760	690	460	380
750	680	450	370
740	670	440	360
730	660	430	350
720	650	420	340
710	640	410	330
700	630	400	320
690	620	390	310
680	610	380	300
670	600	370	290
660	590	360	280
650	580	350	270
640	570	340	260
630	560	330	250
620	550	320	250
610	540	310	240
600	520	300	230
590	510	290	220
580	500	280	210
570	490	270	210
560	480	260	200
550	470	250	200
540	460	240	200
530	450	230	200
520	440	220	200
510	430	210	200
200	200	200	200

(Source: Added at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF PROPOSED AMENDMENT(S)

## Section 2760.APPENDIX B SAT Mathematical Equivalence Table

Recentered Scale to Original Scale

<u>Recentered Scale</u>	<u>Original Scale</u>	<u>Recentered Scale</u>	<u>Original Scale</u>
800	780	500	470
790	770	490	460
780	760	480	440
770	750	470	430
760	740	460	420
750	730	450	410
740	720	440	400
730	710	430	380
720	700	420	370
710	690	410	360
700	680	400	350
690	670	390	340
680	660	380	330
670	650	370	320
660	640	360	310
650	630	350	310
640	620	340	300
630	610	330	290
620	600	320	280
610	590	310	280
600	580	300	270
590	570	290	270
580	560	280	260
570	550	270	250
560	540	260	250
550	530	250	240
540	520	240	240
530	510	230	230
520	500	220	230
510	490	210	220
200	200	200	210

(Source: Added at 19 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Health Services Education Grants Act

2) Code Citation: 23 Ill. Adm. Code 1020

3) Section Numbers: Adopted Action:

- 1020.10 Amendment
- 1020.20 Amendment
- 1020.30 Amendment
- 1020.40 Amendment
- 1020.50 Amendment
- 1020.60 Amendment
- 1020.70 Amendment
- 1020.80 Amendment

4) Statutory Authority: Implementing and authorized by the Health Services Education Grants Act (110 ILCS 215)

5) Effective Date of Rules: January 13, 1995

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this rulemaking contain incorporation by reference? No.

8) Date Filed in Agency's Principal Office: January 11, 1995

9) Notice of Proposal Published in Illinois Register: 18 Ill. Reg. 11684, July 29, 1994

10) Has JCAR issued a Statement of Objection to these rules? No.

11) Difference(s) between proposal and final version: The style for the Authority Note was changed as requested by the JCAR staff.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this rule replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rule: The adopted amendments implement Board of Higher Education revised policies for education of health professionals, and clarify the eligible institutions and programs, classes of grants, and the determination of enrollments eligible for funding. Those policies include the expansion of minority incentive grants for most health professions programs and increasing the number of primary care health professionals in Illinois. Other adjustments in grant rates are in response to the need for capacity adjustments in the health professions in

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Illinois. Additional definitions are adopted to further clarify those institutions and programs eligible for funding.

16) Information and questions regarding this adopted rule shall be directed to:

Carolyn Lorton, Associate Director  
Illinois Board of Higher Education  
4 West Old Capitol Plaza, Room 500  
Springfield, Illinois 62701-1287  
VOICE: 217/782-2551 TDD: 217/524-3494

The full text of the Adopted Amendments begins on the next page:

## BOARD OF HIGHER EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER II: BOARD OF HIGHER EDUCATION

## PART 1020

## HEALTH SERVICES EDUCATION GRANTS ACT

Section	Classes-of Eligible Institutions
1020.10	Classes of Grants
1020.20	Definitions
1020.30	Grant Rates
1020.40	Amounts and Allocations
1020.50	Determination of Enrollment
1020.60	Conditions for Grants
1020.70	Application Forms
1020.80	Enrollment Audit Guidelines

**AUTHORITY:** Implementing and authorized by the Health Services Education Grants Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 821 et seq.) [110 ILCS 215].

**SOURCE:** Adopted April 15, 1976; amended at 4 Ill. Reg. 8, p. 137, effective March 22, 1980; amended at 5 Ill. Reg. 2993, effective March 6, 1981; amended at 6 Ill. Reg. 5518, effective April 14, 1982; codified at 8 Ill. Reg. 1453; amended at 8 Ill. Reg. 16878, effective September 4, 1984; amended at 10 Ill. Reg. 7749, effective April 28, 1986; amended at 11 Ill. Reg. 5208, effective March 12, 1987; amended at 14 Ill. Reg. 2020, effective January 18, 1990; amended at 18 Ill. Reg. 4174, effective March 3, 1994; amended at 19 Ill. Reg. 1020, effective JAN 13 1995.

## Section 1020.10 Classes-of Eligible Institutions

For purposes of the Health Services Education Grants Act (the Act), public institutions and proprietary institutions shall not be considered non-profit Illinois institutions eligible for grants. Eligible institutions shall be divided into the following classes:

- Colleges and universities offering eligible medical, dental, optometric, podiatric, or pharmacy education programs.
- Colleges and universities offering eligible masters, baccalaureate, associate, or certificate level allied health education programs.
- Hospitals offering the clinical component of eligible masters, baccalaureate, associate, or certificate level allied health education programs.
- Colleges and universities offering eligible masters, baccalaureate, or associate level nursing education programs.
- Hospitals offering the clinical component of eligible masters or baccalaureate level nursing education programs; and hospitals offering eligible diploma nursing programs.

## BOARD OF HIGHER EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

f) Hospitals offering eligible residency programs in family practice or obstetrics/gynecology which are affiliated with and under the educational supervision of public or private medical schools or colleges. Hospitals shall operate the residency program under written agreement with the medical school or college.

- Class-I--institutions-----Colleges--and--universities--offering--medical--education--programs.
- Class-II--institutions-----Colleges--and--universities--offering--dental--education--programs.
- Class-III--institutions-----Colleges--and--universities--offering--optometric--education--programs.
- Class-IV--institutions-----Colleges--and--universities--offering--podiatric--medical--education--programs.
- Class-V--institutions-----Colleges--and--universities--offering--accredited--masters--level--allied--health--education--programs.
- Class-VI--institutions-----Colleges--and--universities--offering--the--third--and--fourth--years--of--accredited--baccalaureate--level--allied--health--education--programs.
- Class-VII--institutions-----Colleges--and--universities--and--hospitals--offering--the--last--year--of--accredited--allied--health--education--programs--which--lead--to--either--a--certificate--or--associate--degree.
- Class-VIII--institutions-----Colleges--and--universities--offering--accredited--masters--level--nursing--education--programs.
- Class-IX--institutions-----Colleges--and--universities--offering--the--third--and--fourth--years--of--accredited--baccalaureate--level--nursing--education--programs.
- Class-X--institutions-----Colleges--offering--the--second--year--of--accredited--associate--degree--nursing--education--programs.
- Class-XI--institutions-----Hospitals--offering--the--last--two--years--of--three--year--accredited--nursing--education--programs--or--the--last--year--of--two--year--accredited--nursing--education--programs.
- Class-XII--institutions-----Hospitals--offering--the--first--three--years--of--accredited--residency--training--in--family--practice--internal--medicine--obstetrics/gynecology--and--pediatrics--programs--which--are--affiliated--with--and--under--the--educational--supervision--of--public--medical--schools/colleges--Hospitals--shall--operate--the--residency--program--under--written--agreement--with--the--medical--school/college--and--such--agreement--must--include--at--least--the--following--criteria--the--appointment--of--a--program--director--and--teaching--staff--specific--designation--of--educational--program--responsibilities--for--each--party--and--provision--for--facilities--and--space--to--be--utilized--for--educational--program--activities.
- Class-XIII--institutions-----Colleges--and--universities--offering--baccalaureate--level--pharmacy--education--programs.

(Source: Amended at 19 Ill. Reg. 928, effective JAN 13 1995)



BOARD OF HIGHER EDUCATION  
NOTICE OF ADOPTED AMENDMENTS

## Section 1020.20 Classes of Grants

- a) Illinois Resident Grants - Annual stabilization grants which shall be distributed at an equal amount within a program and level for each Illinois resident enrollee or full-time-equivalent Illinois resident enrollee.
- b) Minority Incentive Grants - Annual stabilization grants, awarded in addition to Illinois Resident Grants, which shall be distributed at an equal amount within a program and level for each Illinois resident minority enrollee or each full-time-equivalent Illinois resident minority enrollee.
- a) ~~Class--I-Grants---Single-non-recurring-grants-for-planning-and-capital expense-based-on-the-increase--in--the-number--of--Illinois--resident enrollees:~~
- b) ~~Class---II--Grants-----Annual--stabilization--grants--which--shall--be distributed-at-an-equal-amount-within-a-class-of-institutions-for-each Illinois-resident-enrolled:~~
- c) ~~Class---III--Grants-----Annual--stabilization--grants--which--shall--be distributed-at-an-equal-amount-within-a-class-of-institutions-for-each full-time-equivalent-Illinois-resident-enrolled:~~
- d) ~~Class---IV--Grants-----Annual--stabilization--grants--which--shall--be distributed-at-an-equal-amount-within-a-class-of-institutions-for-each medical-resident-who-meets-the-definition-of-Illinois-resident:~~
- e) ~~Class---V--Grants-----Annual--stabilization--grants--which--shall--be distributed-at-an-equal-amount-within-a-class-of-institutions-for-each Illinois-resident-enrolled-who-is-a-member-of-a-minority-racial-or ethnic-group--provided-the-number-of-eligible-students-may-not-exceed the-number-of-such-students-enrolled-in-1980-81:~~
- f) ~~Class-VI-Grants---Annual-increased-enrollment-grants--which--shall--be distributed-at-an-equal-amount-within-a-class-of-institutions-for-each Illinois--resident-enrolled-who--is-a-member-of-a-minority-racial-or ethnic-group-and-who-represents-an-increase--in--such--minority--group members-above-1980-81-levels:~~

(Source: Amended 19 Ill. Reg. 028, effective JAN 13 1995)

## Section 1020.30 Definitions

- a) "Allied health program" means an eligible program preparing students to provide services as allied health professionals in one of the following classifications: Communication Disorder Sciences and Services; Community Health Services; Dental Services (dental hygiene, lab technology, or assisting); Medical Records Technology/Technician; Health and Medical Assistants; Health and Medical Diagnostic and Treatment Services (radiologic, respiratory, and surgical technology); Health and Medical Laboratory Technologies; Ophthalmic and Optometric Services; Rehabilitation and Therapeutic Services (physical,

BOARD OF HIGHER EDUCATION  
NOTICE OF ADOPTED AMENDMENTS

- occupational, art, recreational, and music therapy and assisting; Miscellaneous Health Aides; Medical Dietetics; and Medical Illustration.
- b) "Eligible program" means a specific health education program for which funding is requested that is fully accredited or approved or formally classified as a candidate for accreditation or approval by a recognized accrediting body or, in those cases where there is no appropriate accrediting body, is otherwise determined by the Board of Higher Education to be eligible for funding.
- c) "Illinois resident" is defined as follows:
- 1) For a student, except a medical resident, to qualify as an Illinois resident, a student must be a lawful resident of the United States and meet one of the following two requirements:
    - A At least one parent, stepparent or court appointed guardian of the student must reside in Illinois; or
    - B) The emancipated (self-supporting) student must have lived in Illinois, in some capacity other than as a student at a postsecondary educational institution, for a period of twelve continuous months immediately prior to enrollment in an Illinois postsecondary educational institution.
  - 2) For a medical resident to qualify as an Illinois resident, the medical resident must be a lawful resident of the United States and meet the following requirements:
    - A) The medical resident must be employed by a hospital affiliated with and under the educational supervision of a public or private medical school or college in Illinois; and
    - B) The medical resident must be either a graduate of an Illinois medical school or college or a graduate of a high school, college or university located in Illinois and a graduate of a medical school or college located within the United States, the District of Columbia and or the several territories.
  - 3) The resident/non-resident category in which the student or medical resident is placed at the time of initial matriculation will hold for his or her entire residency education.
- db) "Minority" means a student having racial or ethnic origin in one of the following groups: Minority-Racial-or-Ethnic-Group Minority--racial-or-ethnic-group-is-defined-to-include-the-following-groups:
- 1) Black (not of Hispanic origin) - A person having origins in any of the Black racial groups of Africa.
  - 2) Hispanic - A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
  - 3) American Indian or Alaskan Native - A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

## BOARD OF HIGHER EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 19 Ill. Reg. 928, effective JAN 13 1995)

## Section 1020.40 Grant Rates Amounts and Allocations

## a) Grant Rates Amounts

## 1) Illinois Resident Grants

Program	Annual Grant Rate Per Enrollee
Medicine	\$ 4,500
Dentistry	3,500
Optometry, Podiatry, or Pharmacy	2,200
Allied Health or Nursing	
Masters Level	2,000
Baccalaureate Level	1,000
Certificate/Associate/ Diploma Level	500
Medical Residency Programs Affiliated with Public and Private Medical Schools	
Family Practice	20,000
Obstetrics/Gynecology	7,500

## 2) Minority Incentive Grants

Program	Annual Grant Rate Per Enrollee
Medicine	\$ 4,500
Dentistry	3,500
Optometry, Podiatry, or Pharmacy	2,200
Allied Health or Nursing	
Masters Level	1,000
Baccalaureate Level	1,000
Certificate/Associate/ Diploma Level	1,000

The maximum grant rate per Illinois resident enrollee for each class of institution shall be as follows:

Class of Institution	Class of Grants	Amount of Grant Not to Exceed
I	I	\$5,200
II	II	1,500
III	III	3,000
IV	IV	3,700
V	V	1,000

## BOARD OF HIGHER EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

II	VI	27000
III	II	27400
IV	II	2400
V	III	17200
VI	III	17200
VII	III	17200
VIII	III	17100
IX	III	17100
X	III	600
XI	III	600
XII	IV	67200
XIII	III	27400

b) Grant Allocations. Grant allocations to institutions shall be determined annually, based upon funds appropriated under the Act, the grant amounts specified in Subsection (a), and the actual number of Illinois resident enrollments ~~residents enrolled in institutions~~ eligible for grant support. In the event that the appropriation is not sufficient to fund grants at the established grant rate, the appropriated amount shall be prorated on the basis of eligible enrollments.

(Source: Amended at 19 Ill. Reg. 928, effective JAN 13 1995)

## Section 1020.50 Determination of Enrollment

- a) For all institutions except hospitals offering residency programs, the first day of the fourth full week of classes of the fall term shall be the date that the number of Illinois resident students enrolled and attending shall be determined. ~~The first day of the fourth full week of classes of the fall term shall be the date that the number of Illinois resident students enrolled and attending shall be determined.~~
- b) For hospitals offering residency programs, the first day of August shall be the date that the number of filled resident positions shall be determined. ~~For Class XII institutions, the first of August shall be the date that the number of filled resident positions shall be determined.~~
- c) For institutions offering medicine, dentistry, optometry, podiatry, and pharmacy education programs: ~~For Class I, II, III, IV and V institutions, the following limitations on Illinois resident enrollment shall apply:~~
- 1) Headcount enrollments shall be reported.
  - 2) The maximum number of years a student may be counted for grant purposes is four years.
  - 3) A student repeating any portion of the program may be counted only once in each of the four years.
  - de) For institutions offering allied health and nursing education

## BOARD OF HIGHER EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

programs: in--the--case--of--Class-VI--VII--VIII--IX--X--XI--XII--and--other institutions--the

1) Full-time equivalent (FTE) undergraduate or graduate Illinois enrollment shall be reported. Undergraduate FTE enrollment shall be determined by dividing the total credit hours (or equivalent) by 15. For masters level programs, FTE enrollment shall be determined by dividing the total credit hours by 12. Any fraction of the program's total FTE will be dropped.

2) For institutions which do not grant credit hours, the credit hour value of each unit is obtained by dividing the number of units required for a typical baccalaureate degree into 120 for semester hour equivalency or 180 for quarter hour equivalency.

3) For educational programs offered by hospitals, an FTE student is a statistical unit based upon the typical full-time academic load. Of the normal academic load, a student taking three-fourths will account for .75 FTE, one-half will account for .5 FTE, and one-fourth will account for .25 FTE. Any fraction of the program's total FTE will be dropped.

4) A student repeating any portion of a program may not be counted for any repeated credit hours of the program.

ed) For institutions offering undergraduate allied health and nursing education programs, For Class-VI--VII--IX--X--XI--and--XII--institutions the classification of students by year shall be as follows:

- 1) First year - less than 30 semester hours (45 quarter hours) or the equivalent.
- 2) Second year - 30-59 semester hours (45-89 quarter hours) or the equivalent.
- 3) Third year - 60-89 semester hours (90-134 quarter hours) or the equivalent.
- 4) Fourth year - 90 or more semester hours (135 or more quarter hours) or the equivalent.

ef) If the institution does not grant credit hours, the equivalent classification of students by year shall be as follows:

- 1) First year - the equivalent of less than 30 semester hours in a typical baccalaureate degree program.
- 2) Second year - the equivalent of between 30-59 semester hours in a typical baccalaureate degree program.
- 3) Third year - the equivalent of between 60-89 semester hours in a typical baccalaureate degree program.
- 4) Fourth year - the equivalent of 90 or more semester hours in a typical baccalaureate degree program.

f) For institutions offering allied health and nursing programs, the following Illinois resident enrollments are eligible for funding:

- 1) Enrollments in all years of masters allied health and nursing programs shall be eligible for funding.
- 2) Enrollments in the third and fourth years only of baccalaureate allied health and nursing programs shall be eligible for funding.
- 3) Enrollments beyond the first year of diploma, associate or

## BOARD OF HIGHER EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

certificate programs in allied health or nursing shall be eligible for funding up to a maximum of two years.

g) For hospitals offering eligible residency programs in family practice or obstetrics/gynecology affiliated with and under the educational supervision of public or private medical schools or colleges, enrollments in the first three years of such programs shall be eligible for funding.

(Source: Amended at 19 Ill. Reg. 928, effective JAN 13 1995)

## Section 1020.60 Conditions for Grants

a) Application requirements. To be eligible for a grant under this grant program, an institution shall submit the following documents:

- 1) A certification of enrollments and graduates for the previous fiscal year.
- 2) A certification of enrollments for the current fiscal year.
- 3) A projection estimate of future enrollments.
- 4) A certification of minority enrollments and graduates for the previous year. A tabulation of minorities enrolled in the program.

5) A certification of minority enrollments for the current year.

6) A projection of future minority enrollments.

7) A report on the location and activity of the previous year's graduates.

8) Certification of compliance with an open policy with respect to race, color, creed, sex and national origin.

9) An audit of grants received in the previous year performed by an external auditor who is registered as a public accountant by the Illinois Department of Professional Regulation. Section 1020.80 provides audit guidelines for external auditors to conduct the audit and prepare the audit report. An enrollment audit and a certified financial audit of the institution for its previous fiscal year performed by an external auditor who is registered as a public accountant by the Illinois Department of Professional Regulation. Section 1020.80 provides enrollment audit guidelines for external auditors to conduct an enrollment audit and prepare this report.

b) In the event that an enrollment audit reveals that an overpayment was made in a grant to an institution, one of the following courses of action will be followed:

- 1) A reduction will be made on the amount of the institution's grant in the following year.
- 2) A reimbursement to the State shall be required.
- 3) In the event that no enrollment audit is submitted, an institution shall be required to reimburse the State for the total amount of the grant.



BOARD OF HIGHER EDUCATION  
NOTICE OF ADOPTED AMENDMENTS

d) Underpayments of a previous fiscal year's grant revealed by an enrollment audit shall not be disbursed to an institution in subsequent year grants.

(Source: Amended at 19 Ill. Reg. 928, effective JAN 13 1995)

Section 1020.70 Application Forms

Grant applications may be obtained from the Illinois Board of Higher Education, 4 West Old Capitol Plaza, Room 500, Springfield, Illinois 62701-1287. Completed applications should be submitted to the Board at the same address and must be submitted by the fourth Tuesday in November of each year. Grant applications may be obtained from the Illinois Board of Higher Education, 500 Reich Building, 4 West Old Capitol Square, Springfield, Illinois 62791. Applications should be submitted to the Board at the same address. Applications must be submitted by the fourth Tuesday in November of each year.

(Source: Amended at 19 Ill. Reg. 828, effective JAN 13 1995)

Section 1020.80 Enrollment Audit Guidelines

a) To fulfill the enrollment audit requirement in Section 1020.60(a) institutions shall contract to perform an audit of grants received with an external auditor who is registered as a public accountant by the Illinois Department of Professional Regulation.

b) The auditor shall perform tests to determine whether the institution has administrative control structures to provide reasonable assurance that the enrollments claimed are accurate.

cb) The auditor shall obtain a copy of the certification of enrollment document(s) included with the application materials and a copy of this Part. To verify enrollment the auditor shall perform tests of institutional records to assure that information reported in the certification of enrollment document(s) is true, accurate and meets the requirements of this Part. Such tests should include at least the following steps:

- 1) Test residency status of students for compliance with the Illinois Resident definitions;
- 2) For Illinois Resident Grants in medicine, dentistry, optometry, podiatry, pharmacy, and residency training programs, test the number of Illinois resident students enrolled and in record of attendance on the date for the enrollment data and test the compliance with student eligibility requirements. For classes of IV-VI and VI Grants test classification level and number of Illinois resident students enrolled and in record of attendance on the date for the enrollment data;
- 3) For Illinois Resident Grants in allied health and nursing, test

BOARD OF HIGHER EDUCATION  
NOTICE OF ADOPTED AMENDMENTS

the number of credit hours for Illinois resident students enrolled and attending classes on the date of record for the enrollment data and test compliance with student eligibility requirements. For classes III Grants test the classification level and the number of credit hours being earned by Illinois resident student enrolled and attending classes of record on the date for the enrollment data.

4) For Minority Incentive Grants, test the students claimed for compliance with the definition in Section 1020.30(d) for minority racial or ethnic group and test for compliance with student eligibility requirements. For classes V and VI Grants test the students claimed for compliance with the definition in Section 1020.30(b) for minority racial or ethnic group.

5) For all grants, test for compliance with program eligibility requirements as specified in Section 1020.10(a)-(f) and 1020.30(b).

6) Trace the extensions and totals from the enrollment records to the certification of enrollment document(s).

7) For medical residency grants, test the hospital eligibility as to formal affiliation status with a public or private medical school or college as specified in Section 1020.10(f).

(Source: Amended at 19 Ill. Reg. 938, effective JAN 13 1995)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois Certified Shorthand Reporters Act of 1984

2) Code Citation: 68 Ill. Adm. Code 1200

3) Section Numbers: Adopted Action:

1200.20 Amendment  
1200.30 Amendment  
1200.40 Amendment  
1200.75 New Section

4) Statutory Authority: [225 ILCS 415/7, 9, 10 and 27].

5) Effective Date of Amendments: January 17, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 17, 1995

9) Date Notice of Proposal Published in Illinois Register: August 12, 1994,  
at 18 Ill. Reg. 12103.

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version:

In Section 1200.30(c), the reference to "typewriters" at the testing site was changed to "computers".

In Section 1200.75, language was added to allow continuing education waivers for licensees retired from practice and not performing any reporting services.

The name of a national shorthand reporter certification program was corrected from "Certificate of Merit" to "Registered Merit Reporter".

Changes involving style and format also were made.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace an Emergency Amendment currently in effect?  
No

14) Are there any Amendments pending on this Part? No

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments:

This rulemaking implements Section 27 of the Certified Shorthand Reporters Act of 1984 which requires every registrant who applies for renewal of a certificate of registration as a certified reporter to complete 10 hours of continuing education every two years.

This rulemaking also removes a previous requirement for most certified shorthand reporter applicants that they pass a preliminary examination before being allowed to take either the Written Knowledge Examination or the Dictation Examination.

16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0800 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1200

## ILLINOIS CERTIFIED SHORTHAND REPORTERS ACT OF 1984

Section	Application for Examination/Licensure
1200.20	Examinations
1200.30	Renewals
1200.35	Restoration
1200.40	Endorsement
1200.45	Fees for the Administration of the Act
1200.50	Annual Report of Board
1200.60	Conduct of Hearings
1200.70	Continuing Education
1200.75	Granting Variances
1200.80	

**AUTHORITY:** Implementing the Illinois Certified Shorthand Reporters Act of 1984 (225 ILCS 415) and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

**SOURCE:** Adopted at 5 Ill. Reg. 7518, effective July 2, 1981; codified at 5 Ill. Reg. 11024; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendments at 8 Ill. Reg. 672, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 16443, effective August 29, 1984; amended at 11 Ill. Reg. 14073, effective August 5, 1987; recodified from Chapter I, 68 Ill. Adm. Code 200 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1200 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2917; amended at 12 Ill. Reg. 16718, effective September 30, 1988; amended at 13 Ill. Reg. 18865, effective November 21, 1989; amended at 16 Ill. Reg. 3169, effective February 18, 1992; amended at 19 Ill. Reg. 94.1 effective

JAN 17 1995

## Section 1200.20 Application for Examination/Licensure

- a) An applicant for examination/licensure shall file an application on forms supplied by the Department of Professional Regulation (the "Department") at least 60 days prior to an examination date. The application shall include:

- 1) a) Certification of graduation from high school or its equivalent;  
 2) b) Either:  
 A) An Affidavit of Ability, signed by an official of a shorthand reporter school, which conducts an equivalent preliminary examination as determined by the Department under Section 1200.30(b)(2), stating that the applicant has

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

successfully completed a verbatim record of unfamiliar testimony dictated for 5 minutes at a minimum speed of 225 words per minute with at least 94% accuracy; or

- B) Proof that the applicant possesses at least minimum competency skills to sit for the examination, as recommended by the Board and approved by the Department. In determining competency the Board shall review the applicant's education, training and/or experience (such as practicing with a restricted license in the court system pursuant to Section 6 of the Act or practice in another jurisdiction); or

- 2) An official copy of a Certificate of Merit or a Registered Professional Reporter's Certificate by examination issued by the National Shorthand Reporters Association; or

- 3) A request to be scheduled for the preliminary examination as provided in Section 1200.30(a)(1); and

- 3) c) A complete work history since graduation from high school; and  
 4) d) The required application and examination fees as specified in Section 1200.50 of this Part.

- b) An applicant who submits an official copy of a Registered Merit Reporter or a Registered Professional Reporter certificate by examination issued by the National Shorthand Reporters Association shall not be required to sit for the examination. The Department, upon recommendation of the Board, has determined that the examinations given by the National Shorthand Reporters Association are equivalent to the examination set forth in Section 1200.30.

- e) Upon proof of successful completion of the examination as specified in Section 1200.30(c)(1) of this Part and upon payment of the registration fee specified in Section 1200.50 of this Part, a certificate of registration will be issued.

(Source: Amended at 19 Ill. Reg. 940.1 effective  
 JAN 17 1995)

## Section 1200.30 Examinations

- a) The Examination for certification as a certified shorthand reporter shall be administered by the Department or its designated testing service. The examination shall be given in 3 portions as set forth below. Applicants are required to pass the Preliminary Examination before being allowed to take either the Written Knowledge or the Dictation Examination. Applicants who present satisfactory evidence to the Department of successful completion of an examination which the Department deems to be equivalent to the Preliminary Examination shall not be required to take the Preliminary Examination. An examination shall be deemed equivalent if it is as specified in subsection (b)(2) of this Section. Satisfactory evidence shall be as specified in subsection (b) of this Section:

- 1) Preliminary Examination. A preliminary examination shall be



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

required of all applicants except as provided in subsection (b) below. The applicant will be tested on his ability to make a verbatim record of unfamiliar testimony dictated for 5 minutes at a minimum speed of 225 words per minute with at least 94% accuracy.

1)2) Written Knowledge Examination. The written examination is given to determine the applicant's competency and ability:

- A) To understand the English language, including reading, spelling and the applicant's knowledge of day to day vocabulary, as well as medical, legal and technical vocabulary, without the use of a dictionary;
- B) To accurately report any of the matters comprising the practice of shorthand reporting as defined in the Illinois Certified Shorthand Reporters Act of 1984 [225 ILCS 415] (Ill. Rev. Stat. 1989, ch. 111, par. 6201 et seq.) (the "Act"), by the use of any system of manual or mechanical shorthand or shorthand writing;
- C) To clearly understand the obligations between a shorthand reporter and the parties to any proceedings reported; and
- D) To understand the provisions of the Act.

2)3) Dictation Examination  
A) This portion of the examination shall consist of the following parts:

- i) General dictation at 200 words per minute for 5 minutes with an allowance of 50 errors. (Definition: spoken words presented in court proceedings, depositions, arbitrations, speeches and hearings).
- ii) Testimony, 2 voice, 225 words per minute for 5 minutes with an allowance of 57 errors.

B) Transcription. Upon completion of both parts of the Dictation Examination, the applicant shall transcribe both parts in double-space form.

C) The applicant shall be allowed an aggregate of three hours to complete all transcription. Those retake applicants required to transcribe only one part of the Dictation Examination shall be allowed one and one-half hours.

b) Waiver of Preliminary Examination  
1) The Department shall waive the Preliminary Examination for applicants who submit:

- A) A Registered Professional Reporter's Certificate by examination or a Certificate of Merit issued by the National Shorthand Reporters Association; or
- B) An Affidavit of Ability from a shorthand reporting school which conducts an equivalent preliminary examination as determined by the Department upon the recommendation of the Shorthand Reporters Board of Examiners.

2) The Affidavit of Ability Certificate of Merit and Registered Professional Reporter's Certificate by examination will be void

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

upon the third failure of the written knowledge or dictation portions of the examination and the applicant will be required to sit for the Preliminary Examination as well as retake both the written knowledge and dictation portions as required by subsection (c)(6) of this Section.

3) In evaluating whether a shorthand reporting school gives an equivalent preliminary examination the Board shall consider the following factors:

A) Whether the test meets the minimum standards set out for the Preliminary Examination set forth in subsection (a)(1) above;

B) Test security; and

C) The preceding performance record on Illinois licensure examinations of the students from that school specifically:

1) the number of examinees;

ii) Grades;

iii) Failure rate; and

iv) Trends.

e)3) Grading of the Examination

1) The passing score on the Written Knowledge Examination set forth in subsection (a)(2) (a)(1) of this Section is 75% or better.

2) An applicant shall successfully complete the preliminary Examination if he/she transcribes the testimony dictated for 5 minutes at a minimum speed of 225 words per minute with at least 94% accuracy.

2)3) An applicant shall pass the Dictation Examination set forth in this subsection (a)(2) of this Section if he/she successfully transcribes within the given time periods set forth in subsections (A) and (B) below:

- A) 200 words per minute for 5 minutes with 50 errors or fewer on the general dictation part; and
- B) 225 words per minute for 5 minutes with 57 errors or fewer on the 2 voice testimony.

3)4) In scoring the Dictation Examination, "Q" representing question and "A" representing answer, shall not be counted as words in the testimony portion; however, such signs must appear in proper order in the transcript.

4)5) Applicants who fail a portion of an examination will be required, on their second and third attempts, to retake only the portion or dictation part of the examination which they did not pass.

5)6) If an applicant must take any portion of the examination more than 3 times, the fourth examination shall be considered to be the same as the first. The applicant shall take all 3 both portions of the examination, and retakes shall be in accordance with subsection (a) (4) above.

d)C) Required Supplies for the Examination

- 1) Each applicant must supply his/her own bound dictionary, pens,

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

pencils, stenographic machine, erasers, stenograph paper, and notebooks or note paper. The use of only one dictionary per person is permitted. Typewriters Computers shall be supplied at the location of the examination.

2) Applicants shall not be permitted to use tape recorders or other electronic recording devices during the examination sessions.

3) Typing paper will be provided.

e)d) The provisions of this Section shall apply to applicants upon adoption without regard to where the applicant is in the application process.

e) An applicant for licensure who possesses an active Registered Professional Reporter certificate by examination or a Registered Merit Reporter certificate issued by the National Court Reporters Association shall not be required to sit for the examination. The Department, upon recommendation of the Board, has determined that the Registered Professional Reporter and Registered Merit Reporter examinations are equivalent to the examination administered by the Department.

(Source: Amended at 19 Ill. Reg. 940 effective  
JAN 17 1995 )

## Section 1200.40 Restoration

a) A person seeking restoration of his a certificate after it has expired or has been placed on inactive status for more than 5 years shall file an application with the Department together with the required fees specified in Section 1200.50 of this Part. After May 31, 1997, in order to restore a license, a person shall submit proof of 10 hours of continuing education completed within 2 years before restoration in accordance with Section 1200.75 of this Part. The applicant shall also submit either:

- 1) Certification of current licensure from another jurisdiction completed by the appropriate board or licensure authority;
- 2) Affidavits from 2 members of the bench or bar attesting to the applicant's active practice of shorthand reporting in a state that does not require licensure for at least one year immediately prior to the date of application; or
- 3) An affidavit attesting to military service as provided in Section 14 of the Act; or
- 4) Other proof acceptable to the Department of the applicant's fitness to have his the certificate restored.

b) A registrant seeking restoration of his a certificate which that has expired for less than 5 years shall have his the certificate restored upon payment of \$10 plus all lapsed renewal fees required by Section 1200.50 of this Part. After May 31, 1997, in order to restore a license, a person shall submit proof of 10 hours of continuing education completed within 2 years before restoration in accordance

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

With Section 1200.75 of this Part.

e) When the accuracy of the submitted documentation, or the relevance or sufficiency of the coursework or experience is reasonably questioned by the Department, the certificate holder will be requested to provide such information as may be necessary and/or explain such relevance or sufficiency during an oral interview or

d) Appear for an oral interview designed to determine the individuals current competence to practice shorthand reporting.

c) When the accuracy of any submitted documentation or the relevance or sufficiency of the coursework or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the person seeking restoration of a license shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. Upon the recommendation of the Board and approval of the Department, an applicant shall have the license restored.

(Source: Amended at 19 Ill. Reg. 940 effective  
JAN 17 1995 )

## Section 1200.75 Continuing Education

a) Continuing Education (CE) Requirements

- 1) Beginning with the May 31, 1997, renewal and every renewal thereafter, every registrant who applies for renewal of a certificate of registration as a certified shorthand reporter shall complete during the prerenewal period 10 hours of continuing education (CE) relevant to the practice of shorthand reporting.

2) A prerenewal period is the 24 months preceding May 31 of each odd-numbered year.

3) A CE hour means a minimum of 50 minutes of actual clock time spent by a registrant in actual attendance at and completion of an approved CE activity. After completion of the initial CE hour, credit may be given in one-half hour increments.

4) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois certificate of registration.

5) Shorthand reporters registered in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.

b) How to Acquire CE Credits

1) CE hours may be earned from:

- A) Verified attendance at or participation in a program, activity or course through the National Court Reporters



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

## Association.

- B) Verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program, activity or course ("program") presented by a continuing education sponsor in subsection (c) below.
- C) Verified attendance at a program that is of general information value to shorthand reporters but does not directly relate to the reporter's ability to produce an accurate and timely transcript. A maximum of 5 hours credit may be counted during a prerenewal period for such programs, which include:

- i) Professionalism, including knowledge and application of standards of professional responsibility, impartiality, public relations, attire; and
  - ii) Office procedures, record-keeping, health, including a reporter's approach to personal tax management, planning for retirement or changing careers within reporting, maintaining the individual reporter's health and emotional adjustment, ability to listen, to concentrate, to communicate, to cope.
- D) Verified personal preparation of educational presentations pertaining to the profession of court reporting and serving as an instructor, speaker or panel member at an approved course will be allowed as CE credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Credits for preparation time shall not be allowed for repetitious presentations. No more than 5 hours of credit can be earned under this category in any one renewal period.

- E) Writing articles pertaining to the profession of court reporting and published in a state or nationally recognized professional journal of court reporting or law. No more than 5 hours of credit can be earned under this category in any one renewal period. Credits will not be allowed for the same article published in more than one publication.

- 2) Courses completed that are a part of the curriculum of a university, college or other educational institution. One semester of course work is equivalent to 15 hours of CE and one quarter of course work is equivalent to 10 hours of CE.

C) CE Sponsors and Programs

- 1) Sponsor, as used in this Section, shall mean the following:

- A) The National Court Reporters Association;
- B) The Illinois Shorthand Reporters Association or any state court reporters association whose course or program has been approved for CE credits under the guidelines of the National Court Reporters Association;
- C) Any computer users group whose program or course has been approved for CE credits under the guidelines of the National

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

## Court Reporters Association:

- D) A city, county, state or federal judicial body responsible for coordination and presentation of CE courses or programs for its employees;
- E) A university or college course or adult education program that contributes directly to the Certified Shorthand Reporter's knowledge, ability or competence to perform his/her duties; and
- F) Any other school, college or university, State agency, or any other person, firm or association that has been approved and authorized by the Department to coordinate and present CE courses and programs in conjunction with this Section.
- 2) Entities seeking approval as CE sponsors shall file an application, on forms supplied by the Department, along with a \$200 application fee. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) Along with the application, the applicant shall submit a list of proposed programs including the description, location, date and time of the programs. The applicant shall certify on the application the following:

- A) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(3) below and all other criteria in this Section;
- B) That the sponsor will be responsible for verifying attendance at each program and provide a certificate of attendance as set forth in subsection (C)(10) below;
- C) That upon request by the Department, the sponsor will submit evidence (e.g., certificate of attendance or course materials) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with this Part and that the information is necessary to ensure compliance.

3) All programs shall:

- A) Contribute to the advancement, extension and enhancement of the professional skills and knowledge of the individual registrant in the practice of shorthand reporting;
- B) Include one or more of the following subjects directly related to the shorthand reporter's ability to produce accurate and timely transcripts:
  - i) English, including grammar, punctuation, general principles, spelling, vocabulary, etymology, usage, semantics, regional and minority dialects or colloquialisms, English history, transcript styles;
  - ii) Medical, including Greek and Latin derivatives, homonyms, abbreviations, surgical procedures, pharmacy, anatomy and physiology, specialized medical fields, (i.e., neurology, dentistry, radiology,



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

gastroenterology), with emphasis on terminology and techniques or concepts likely to be encountered during litigation;

iii) Legal, including terminology, research techniques, presentations on the various subdivisions of law (i.e., criminal torts, domestic relations, corporate, admiralty, patent, environmental) and procedural law (i.e., depositions, trials, administrative proceedings) presentations by legal specialists or experts in the field, history of the American/world legal system;

iv) Technical subjects presented by experts with emphasis on terminology and concepts encountered by the shorthand reporter during litigation (i.e., accident reconstruction, chemistry, construction, geology, insurance, maritime, aerospace, products liability, industrial and environmental pollution);

v) Technology related to new developments in the field of reporting (i.e., computer technology, computer techniques, video, telecommunications, equipment maintenance);

vi) General litigation procedures as they relate to court, deposition and administrative proceedings (i.e., reporting depositions, court hearings, arbitrations, conventions and the court reporter's responsibility with regard to these proceedings, notary responsibilities, marking exhibits, reading back, going on and off the record, review of statutes, rules related to the reporter);

vii) Transcript preparation, including indexing of witnesses, exhibits, formats, dictating, editing and scoping, reference libraries and research techniques, proofreading; and

viii) Management, including financial, marketing, personnel, equipment maintenance, time and stress management;

C) Be relevant to the needs of shorthand reporters and also to the reporting service needs of the users;

D) Be developed and presented by persons with education and/or experience in the subject matter of the program;

E) Specify for whom the program is primarily designed, the course objectives, course content and teaching methods to be used; and

F) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for renewal of the certification of registration.

4) Each CE program shall provide a mechanism for evaluation of the program by the participants. The evaluation may be completed

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

on-site immediately following the program or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.

5) An approved sponsor may subcontract with individuals and organizations to provide approved programs.

6) Continuing education credits may be awarded for home study courses and correspondence courses, provided they are courses administered by approved sponsors.

7) All programs given by approved sponsors shall be open to all registered shorthand reporters and not be limited to members of a single organization or group.

8) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.

9) To maintain approval as a sponsor, each sponsor shall submit to the Department by May 31 of each odd-numbered year a renewal application, a \$300 fee and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.

10) Certificate of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:

A) The name, address and certificate number of the sponsor;

B) The name and address of the participant;

C) A brief statement of the subject matter;

D) The number of hours attended in each program;

E) The date and place of the program; and

F) The signature of the sponsor.

11) The sponsor shall maintain attendance records for not less than 5 years.

12) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.

13) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives assurances of compliance with this Section.

14) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.

d) Activities Not Qualifying for CE Credit

DEPARTMENT OF PROFESSIONAL REGULATION  
NOTICE OF ADOPTED AMENDMENTS

requirements shall file with the Department a renewal application along with the required fee set forth in Section 1200.50 of this Part, a statement setting forth the facts concerning non-compliance and request a waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

A) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

- i) Full-time service in the armed forces of the United States during a substantial part of the prerenewal period;
- ii) An incapacitating illness documented by a statement from a currently licensed physician;
- iii) A physical inability to travel to the sites of approved programs documented by a currently licensed physician;
- iv) Being retired from practice and not performing any reporting services; or
- v) Any other similar extenuating circumstances.

B) Persons employed as full-time court reporters under the Court Reporters Act [705 ILCS 70] may apply for a waiver from the continuing education requirements. The waiver shall be granted upon the submission of evidence satisfactory to the Department (i.e., statement from employer) that the certified shorthand reporter is employed as a full-time court reporter under the Court Reporters Act.

2) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section, shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Added at 19 Ill. Reg. 940 effective JAN 17 1995)

DEPARTMENT OF PROFESSIONAL REGULATION  
NOTICE OF ADOPTED AMENDMENTS

1) Certain activities that shall not be considered acceptable for continuing education credits include, but shall not be limited to, the following:

- A) Attendance or participation at professional or association business meetings, conferences, general sessions, elections, policymaking sessions or program orientation;
- B) Serving on committees;
- C) Entertainment and recreation;
- D) Tours, visiting exhibits;
- E) Any function for which the registrant receives remuneration as part of his/her regular employment;
- F) In-house training on office equipment; and
- G) Courses with a main thrust of teaching nonverbal skills (i.e., golf, tennis, dancing, basket-weaving).

e) Certification of Compliance shall certify, on the renewal application,

1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.

2) The Department shall conduct random audits to verify compliance with CE requirements.

3) The Department may require additional evidence (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

4) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

f) Continuing Education Earned in Other Jurisdictions. If a registrant has earned CE hours offered in another state or territory not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, within 90 days of completion of the CE program and prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section. Applicants may seek individual program approval prior to the participation in the program.

g) Restoration of Nonrenewed or Inactive Certificate of Registration. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the certificate upon payment of the required fee as provided by Section 1200.50 of this Part.

h) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of a certificate of registration without having fully complied with these CE

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Private Detective, Private Alarm and Private Security Act of 1993
- 2) Code Citation: 68 Ill. Adm. Code 1240
- 3) Section Numbers: Adopted Action:
- |         |             |
|---------|-------------|
| 1240.7  | Amendment   |
| 1240.10 | Amendment   |
| 1240.15 | Amendment   |
| 1240.16 | Amendment   |
| 1240.20 | Amendment   |
| 1240.25 | Amendment   |
| 1240.30 | Amendment   |
| 1240.35 | Amendment   |
| 1240.40 | Amendment   |
| 1240.41 | Amendment   |
| 1240.45 | Amendment   |
| 1240.46 | Amendment   |
| 1240.47 | New Section |
| 1240.48 | Amendment   |
| 1240.50 | Amendment   |
| 1240.51 | Amendment   |
| 1240.55 | Amendment   |
| 1240.60 | Amendment   |
| 1240.65 | Amendment   |
| 1240.66 | New Section |
| 1240.70 | Amendment   |
- 4) Statutory Authority: Section 50 of the Private Detective, Private Alarm and Private Security Act of 1993 [225 ILCS 446/50].
- 5) Effective Date of Amendments: January 17, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 17, 1995
- 9) Date Notice of Proposal Published in Illinois Register: September 30, 1994, at 18 Ill. Reg. 14567.
- 10) Has JCAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version: Sections 1240.20 and 1240.30 were changed to allow employees to furnish certified copies of documents to their employers so they can retain the originals of their

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

certificate of basic training and their firearm training certificate. Section 1240.46 was changed to remove a redundancy, and new language was substituted in subsection (a)(10) to allow for acceptance of a certified copy of documentation of requalification with a weapon on the firing range.

Section 1240.47 was changed to remove a reporting requirement for agencies and licensees involving employee misdeeds.

Language was added to Section 1240.65 to point out that failure to provide documents pertinent to a Department investigation of alleged violations shall be grounds for disciplinary action, as authorized by Section 120 of the Act.

Other changes were nonsubstantive, involving style, citations and form.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace an Emergency Amendment currently in effect?  
No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking updates the rules for the Private Detective, Private Alarm and Private Security Act of 1993 which went through a sunset rewrite that became effective January 1, 1994.

16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0800 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:



DEPARTMENT OF PROFESSIONAL REGULATION  
NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF PROFESSIONAL REGULATION  
NOTICE OF ADOPTED AMENDMENTS

from Chapter I, 68 Ill. Adm. Code 240 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1240 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2967; amended at 12 Ill. Reg. 20143, effective November 18, 1988; amended at 15 Ill. Reg. 3051, effective February 11, 1991; amended at 17 Ill. Reg. 1579, effective January 26, 1993; amended at 19 Ill. Reg. 954, effective JAN-17-1995.

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS  
PART 1240  
PRIVATE DETECTIVE, PRIVATE ALARM AND  
PRIVATE SECURITY ACT OF 1983 1993

Section 1240.7 Exemptions Under Section 5 30 of the Act

A property management firm and its security employees will be exempt from licensure under the Act in accordance with Section 5 30 if the following conditions are met:

- a) The property management firm shall be a licensed real estate broker or real estate corporation or partnership in accordance with the Real Estate License Act of 1983 (~~111-Rev-Stat-1987-ch-111-par-5801 et-seq-7~~ [225 ILCS 455]).
- b) A signed written agreement between a property owner and the property management firm shall exist in which the property management firm provides site security as an incidental part of their services.
- c) In conjunction with security provided in subsection (b) above, the property management firm:
  - 1) ~~shall~~ Shall not provide security services only;
  - 2) ~~shall~~ Shall not provide security services to properties which that the property manager does not manage ~~or~~ and for which there is not a signed written agreement; and
  - 3) ~~shall~~ Shall not provide security services for hire.
- d) An employer-employee relationship shall exist between security employees and the property management firm. For the purposes of this subsection, ~~purposes as used in subsection (d)~~ an employee is a person who is employed by the property manager to perform the security services, and ~~the~~ the employer is the property manager who has the right to control and direct the employee.
- e) The property management firm shall comply with the provisions of Section 24-2 of the Criminal Code of 1961 (~~111-Rev-Stat-1967-ch-38-par-24-2~~ [720 ILCS 5/24-2]).
- f) Security services for purposes of this Section are those definitions set forth in ~~Sections 2(f) and (g) of the Act~~ Section 5 of the Act under "Private security contractor" and "Private security contractor agency".

(Source: Amended at 19 Ill. Reg. 657, effective JAN 17 1995)

Section 1240.10 Application for Examination and Licensure - Private Detective and Private Security Contractor

- a) Applications for licensure by examination, together with all

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|---------|--|
| Section | Licensure Under Section 6 of the Act (Repealed)  |
| 1240.5  | Exemptions Under Section 5 30 of the Act   |
| 1240.7  | Application for Examination and Licensure - Private Detective and Private Security Contractor                        |
| 1240.10 | Application for Examination and Licensure - Private Alarm Contractor   |
| 1240.15 | Registration of Proprietary Security Force   |
| 1240.16 | 20-Hour Basic Training Course - General  |
| 1240.20 | 20-Hour Basic Training Course - Security Security Guards and Alarm Runners   |
| 1240.25 | Firearm Training Course  |
| 1240.30 | Approval of Training Programs and Instructors  |
| 1240.35 | Permanent Employee Registration Cards  |
| 1240.40 | Refusal to Issue Employee Registration Card or Firearm Authorization Card Due to Criminal History Record Information |
| 1240.41 | Firearm Authorization Cards  |
| 1240.45 | Recordkeeping Requirements -Employee-Fees  |
| 1240.46 | Reporting Requirements   |
| 1240.47 | Uniforms   |
| 1240.48 | Renewals   |
| 1240.50 | Requests for Duplicate Certificates  |
| 1240.51 | Endorsement  |
| 1240.55 | Restoration  |
| 1240.60 | Conduct of Hearings  |
| 1240.65 | Investigation by the Department  |
| 1240.66 | Granting Variances   |
| 1240.70 |  |

AUTHORITY: Implementing the Private Detective, Private Alarm and Private Security Act of 1983 (P.A. 88-0363, effective January 1, 1994) and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations promulgated for the Administration of the Illinois Detective Act, effective October 7, 1975; amended at 4 Ill. Reg. 22, p. 251, effective May 15, 1980; codified at 5 Ill. Reg. 11032; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 8208, effective July 15, 1982; emergency amendment at 8 Ill. Reg. 903, effective January 6, 1984, for a maximum of 150 days; Part repealed and new Part adopted at 9 Ill. Reg. 18512, effective November 15, 1985; transferred

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

supporting documentation, including verification of work experience, must be on file at least 60 days prior to the date of the examination. b) No candidate shall be admitted to the examination until having fulfilled the experience and/or education requirements specified in Section 75(a)(7) of the Act. To determine such fulfillment, the following standards shall be applied:

- 1) The term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.
- 2) ~~The work-schedule-of-the-employing-agency-or-organization-will-be accepted-as-meeting-the--full-time--employment--requirement, provided-it-is-equal-to-1800-hours-or-more-annually.~~
- 3) "Full-time supervisor in a law enforcement agency" shall mean ~~any--rank--above--patrolman~~ a sworn peace officer serving in a full-time position responsible for the direction and performance of other law enforcement personnel.

- 3) "Investigator in a law enforcement agency" shall mean a sworn peace officer who serves in the capacity of a full time detective/investigator or above rank.

- c) The passing grade on the examination is 70 or above.

- d) Upon notification of successful completion of the examination, the applicant may apply to the Department for licensure. The application must be complete and must be accompanied by:

- 1) 1 set of fingerprint cards issued by the Illinois Department of State Police and 1 set of fingerprint cards issued by the Federal Bureau of Investigation accompanied by the specified processing fee pursuant to Section 206(f)(13) 105(d)(13) of the Act; or

- 2) ~~In-lieu-of-the-fingerprint-cards, a full-time peace-officer--may submit--verification--on--forms--provided--by-the-Department--of full-time-employment-as-a-peace-officer.~~ Verification, on forms provided by the Department, of full-time employment as a police officer, in lieu of fingerprint cards. Such verification shall be signed by the employer. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses and has completed the training requirements of the Illinois Police Training Act. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers.

- 3) 2 photographs 1 1/2" x 1 1/2", taken within the 3 months preceding application;

- 4) Proof of at least \$1,000,000 of liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and

- 5) The required fee(s) specified in Section 20 105 of the Act.

- e) A successful examination score shall be valid for 6 years. After 6 years the examination score will be void and an applicant will be

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.

(Source: Amended at 19 Ill. Reg. 954, effective JAN 17 1995)

### Section 1240.15 Application for Examination and Licensure - Private Alarm Contractor

- a) An individual seeking licensure by examination as a private alarm contractor shall make application to the Department, on forms provided by the Department, at least 60 days prior to the examination.

The application shall include proof acceptable to the Department that the applicant has fulfilled the required experience specified in Section 146(c) 70(c) of the Act. To determine such fulfillment, the following standards shall be applied:

- 1) The term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.

- 2) ~~The work-schedule-of-the-employing-agency-will-be-accepted-as meeting-the--full-time--employment--requirement--provided--it--is equal-to-1800-hours-or-more-annually.~~

- 3) Applicants qualified to sit for the examination pursuant to Section 146(f)(13) 75(c) of the Act shall have private alarm experience which shall include, but not be limited to:

- A) Private alarm contractor experience as defined in Section 5 of the Act gained while licensed or lawfully practicing in another jurisdiction with substantially equivalent licensure requirements as in effect in Illinois for 3 of the last 5 years; or

- B) ~~Experience-gained-as--a--full-time-supervisor--manager--or administrator--of--an-alarm-business--for--3-of-the-last-5 years. A minimum of 3 years experience out of the 5 years immediately preceding application as full-time manager or administrator for an agency licensed as a private alarm contractor agency, or for an entity that designs, sells, installs, services or monitors alarm systems which in the judgment of the Board satisfies standards of alarm industry competence.~~ (Section 75(c)(8))

- b) The passing score on the examination is 70 or above.

- c) Upon notification of successful completion of the examination, the applicant may apply to the Department for licensure. The application shall include:

- 1) 1 set of fingerprint cards issued by the Illinois Department of State Police and 1 set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 206(f)(13) 105(d)(13) of the Act; or

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

2) Verification, on forms provided by the Department, of full-time employment as a peace officer in lieu of fingerprint cards. Such verification shall be signed by the employer. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses and has completed the training requirements of the Illinois Police Training Act. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers.

2) 3) 2 photographs 1 1/2" x 1 1/2" taken within the 3 months preceding application;

3) 4) Proof of at least \$1,000,000 of liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and

4) 5) The required fee(s) specified in Section 20 105 of the Act.

(Source: Amended 19 Ill. Reg. 95-4 effective JAN 17 1995)

## Section 1240.16 Registration of Proprietary Security Force

a) Pursuant to Section 24-2 of the Criminal Code of 1961, all commercial or industrial operations who employ 5 or more persons as armed security guards in accordance with paragraph (6) and all financial institutions who employ armed security guards in accordance with paragraph (8) shall register their security force forces with the Department, on forms provided by the Department, which includes include the following:

- 1) business-Business name and address of the proprietary security force;
- 2) Any doing business as (d/b/a) names of the proprietary security force;
- 3) The type of business (sole proprietorship, partnership, corporation);

A) If a partnership, a listing of all partners and addresses;

B) If a corporation, a copy of Articles of Incorporation. If the corporation is a foreign corporation, a copy of the authorization to conduct business in Illinois;

4) 2) the-The number of armed employees; and

5) 3) the-The name and title of the security director who will be registering armed employees and who is responsible for the daily activities of the force.

b) All armed security guard employees of the registered proprietary force in subsection (a) above shall be required to complete a 20 hour basic training course in accordance with Section 1240.25 and a 20-hour firearm training course in accordance with Section 1240.30.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

c) Each proprietary force shall be required to apply to the Department, on forms supplied by the Department, for the issuance of a firearm authorization card, in accordance with Section 1240.45(b) and (c), for each armed employee of his the security force. Each application shall include:

1) 1 set of fingerprint cards issued by the Illinois Department of State Police and 1 set of fingerprint cards issued by the Federal Bureau of Investigation;

A) If the employee has state and federal fingerprint cards on file with the Department, additional fingerprint cards are not required; or

B) In--lieu-of-the-fingerprint-cards, a full-time-peace-officer may-submit-verification Verification, on forms, provided by the Department, of full-time employment as a peace officer in lieu of the fingerprint cards. Such verification shall be signed by his/her employer. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, and has completed the training requirements of the Illinois Police Training Act. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws and individuals holding a Class I or Class II Occupational License issued by the Illinois Gaming Board shall be considered peace officers;

2) verification-Verification that the employee has completed the training required in subsection (b) above. If the employee's firearm training was completed more than two years before the request for a firearm authorization card, the employer shall submit evidence that the employee has requalified on the firing range within the one year preceding the request;

3) the--95-00-application-fee The fee required in Section 105(d)(17) of the Act; and

4) the-The required fingerprint processing fee, if applicable.

d) The firearm authorization card shall be retained by the employee for the term of employment. Upon termination of employment, the card shall be returned to the Department by the employer. In the event an employee fails to return a firearm authorization card to the employer, the employer shall notify the Department in writing of-such-and-the reason why the card was not returned.

e) No employee shall carry a firearm until the requirements of this Section have been satisfied.

f) If an employee is employed by more than one proprietary security force, that employee must possess a separate firearm authorization card for each force which issues him/her a weapon.

g) The Department may conduct an inspection to verify the information on



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

the application prior to the proprietary security force being registered with the Department.

- h) All armored car companies registered as proprietary security forces pursuant to this Section shall have all employees who are required to carry a firearm authorization card to complete classroom and range training in weapons on an annual basis and shall maintain a current criminal background check in each employee's file as well as a training certificate. The armored car company shall make these documents available to the Department upon request.

(Source: Amended at 19 Ill. Reg. 954, effective JAN 17 1995.)

## Section 1240.20 20-Hour Basic Training Course - General

- a) ~~Except as specified in Section 27 of the Act, every~~ person employed as a registered employee of a private detective, private security, or private alarm agency certified under the Act, except as specified in Section 180 of the Act, shall complete, within 90 30 days of his/her employment, a course of basic training. The training shall be a minimum of 20 hours of training related to ~~their~~ his/her employment which shall be certified to by ~~their~~ the employer.

- b) Upon successful completion of the training prescribed above, each individual shall be issued, by ~~his~~ the employer or the instructor, a Certification of Completion of 20-Hour Basic Training which shall be signed by the instructor ~~or licensee in charge and the individual~~. The licensee-in-charge shall be responsible for the documentation of the training.

- c) The Certification shall be the permanent record of training and shall be retained by the individual as proof of the training. During the term of the individual's employment with an agency licensed by the Department, the Certification or a certified copy shall be filed by the employer with the employee statement and shall remain in the file during the term of employment. Upon termination of employment the original Certification shall be returned to the employee.

- d) In the case ~~that the~~ of an employee who is employed by more than one employer, a notarized copy of the Certification of Completion of 20-Hour Basic Training shall be kept with the employee statement in lieu of the original Certification.

- e) Basic training materials will be made available to Department personnel upon request to verify content.

(Source: Amended JAN 17 1995 at 19 Ill. Reg. 954, effective \_\_\_\_\_)

## Section 1240.25 20-Hour Basic Training Course - Security Guards and Alarm Runners

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- a) The basic training for security guards and alarm runners shall be a minimum of 20 hours of classroom instruction and shall be conducted in accordance with the subject matter specified in Section 27 180 of the Act. For purposes of this Section "classroom instruction" shall mean that instruction which takes place in a setting where through individuals receiving the training are seated and learn through lectures, study papers, class discussion, textbook study or other means of organized formal education techniques (i.e., video or closed circuit instruction), as distinguished from on-the-job training. For purposes of this Section, "alarm runners" shall mean armed registered employees of an agency who respond to alarms.

- b) Upon completion of the training prescribed above, each individual shall be issued, by ~~his~~ the employer or the instructor, a Certification of Completion of 20-Hour Basic Training which shall be signed by the instructor ~~or employer and the individual~~. The licensee-in-charge shall be responsible for the documentation of the training.

- c) The Certification shall be the permanent record of training and shall be retained by the individual as proof of the training. During the term of an individual's employment with an agency licensed by the Department, the Certification shall be filed by the employer with the employee statement and shall remain in the file during the term of employment. Upon termination of employment the original Certification shall be returned to the employee.

- d) In the case ~~that the~~ of an employee who is employed by more than one employer, a notarized copy of the Certification of Completion of 20-Hour Basic Training, shall be kept with the employee statement in lieu of the original Certification.

- e) Basic training materials shall be made available to Department personnel upon request to verify content.

(Source: Amended at 19 Ill. Reg. 954, effective JAN 17 1995.)

## Section 1240.30 Firearm Training Course

- a) No registered employee shall be allowed to perform duties which require the use, carrying or possession of a firearm until that employee has completed the 20 hours of basic training required by Section 27 180 of the Act, and has satisfactorily completed a 20-hour firearm training course approved by the Department. The firearm training course shall include both classroom instruction and firing range experience. Classroom instruction shall include, but not be limited to, the following subject matter:

- 1) ~~Legal~~-Legal use of firearms;
- 2) ~~ethical~~-Ethical and moral considerations of weapon weapons use;
- 3) ~~liability~~-Liability for acts while armed;
- 4) ~~use~~-Use of deadly force;

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 5) search-Search, seizure and arrest procedures while armed;
- 6) firearm-Firearm, safety and maintenance; and
- 7) fundamentals-Fundamentals of firearm use:
  - A) stance-Stance;
  - B) grip-Grip;
  - C) sight-Sight alignment;
  - D) sight-Sight picture; and
  - E) trigger-Trigger control.
- b) Each student shall be allotted time on the firing range to apply, in supervised practice, the techniques and methods described above. The personal firearm of each student or the firearm assigned to the student, shall be inspected for safety and approved by the range master prior to the beginning of actual range firing. Instruction shall include double-action shooting.
- c) The range where the training is to be given, whether indoor or outdoor, shall be maintained in a safe condition and shall be located in an area where the firing of live ammunition is allowed. In determining whether the range is maintained in a safe condition, the Department shall conduct an on-site inspection and shall consider the following factors:
  - 1) safety-Safety of participants;
  - 2) safety-Safety of any persons or property in the area;
  - 3) safety-Safety maintenance procedures; and
  - 4) operational-Operational rules and policy.
- d) Upon application to the Department, any firearm training course approved by the Illinois Community College Board and/or Illinois Board of Higher Education that requires the firing of a minimum of 50 live rounds of ammunition and a minimum qualification score of 70% will be approved as satisfying the requirements of this Section.
- e) Upon application to the Department, any Police/Security Firearms Qualification Program/Course approved and registered by the National Rifle Association that requires the firing of a minimum of 50 live rounds of ammunition and a minimum qualification score of 70% will be approved for the range portion of the training.
- f) Each individual shall be required to fire a minimum of 50 rounds of live ammunition (factory loaded service ammunition or factory reloaded ammunition).
- g) Each student must qualify with a minimum score of 70% with each type of weapon (revolver, semi-automatic, shotgun, rifle) he/she will be authorized to carry.
- h) The range instructor shall be responsible for maintaining a safe range environment. Any student who refuses to adhere to proper safety requirements shall be dismissed from training by the instructor or the range master. The range master shall also have full authority as to whether a weapon is in safe operating condition.
- i) Upon completion of the training each student must successfully complete a written examination. A copy of the examination shall be made available to the Department upon request (e.g., course audit).

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- The examination shall test the subjects encompassed in both classroom and range instruction. Passage of the examination shall be 75%.
- j) Each instructor shall file with the Department, on forms provided by the Department, Certification of Completion of Firearm Training for each student who successfully completes the training. Upon receipt by the Department of the Certification of Completion of Firearm Training, a Certificate of Training shall be issued to the student which shall bear the training number assigned by the Department.
  - k) The Certificate of Firearm Training shall be the permanent record of firearm training and shall be retained by the individual as proof of the training. During the term of the individual's employment with an agency licensed by the Department, the Certificate of Training or certified copy shall be filed by the employer with the employee statement and shall remain in the employee file during the term of employment. ~~Employee--records--pursuant--to--Section--15(f)--of--the--Act shall--be--maintained--by--the--agency--for--five--years--after--termination--of employment.~~ Upon termination of employment, the original Certificate of Firearm Training shall be returned to the employee.
  - l) In the case that the employee is employed by more than one employer, a notarized copy of the Certificate of Firearm Training shall be kept with the employee statement in lieu of the original Certificate of Firearm Training.
  - m) Those persons employed as registered armed employees on the effective date of the Act shall be considered to have completed the training prescribed in this Section.
  - n) The training requirements of this Section shall be waived for an individual approved by the Department as an instructor under the provisions of Section 1240.35. Such individual shall, upon application to the Department, be issued a Certificate of Firearm Training by the Department.

(Source: Amended at 19 Ill. Reg. 954, effective JAN 17 1995)

## Section 1240.35 Approval of Training Programs and Instructors

- a) Any person, business entity, agency, or institution offering the training course(s) described in Sections 1240.20 and 1240.25 of this Part, shall first apply to and receive approval of the course, based upon compliance with Section 1240.30, from the Department. Application shall be made on forms provided by the Department.
- b) Any person teaching the firearms training course described in Section 1240.25 of this Part must be approved by the Department. Application shall be on forms provided by the Department and must be accompanied by the following:
  - 1) Proof that the applicant is recognized and approved by the National Rifle Association (NRA) as a Police/Security Firearms Instructor or Firearms instructor. Proof shall be a copy of the

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

applicant's Certificate from the NRA; or

- 2) Proof that the applicant is approved and recognized as a range instructor by the Illinois Police Training Board. Proof shall be a copy of the Instructor's Certificate issued by the Local Governmental Law Enforcement Officers Training Board. Nothing in this subsection (b)(2) shall obligate the Police Training Board to train, recognize or approve range instructors for any purpose other than as specified in the Illinois Police Training Act ~~4111-Rev--Stat---1989,--ch--85,--par--501-et-seq-7~~ [50 ILCS 705] and Peace Officers Firearm Training Act ~~4411-Act--in--relation--to firearms-training-for-police-officers-4111-Rev--Stat--1989--ch--857-par-515-et-seq-7~~ [50 ILCS 710]; or
- 3) Proof of other firearm instructor education or experience that the Department may consider to be substantially equivalent to subsection (b)(1) or (2) above, such as that experience or education received in military service or federal law enforcement service.
- c) Upon application to the Department, any full-time or part-time faculty employed by an institution under the jurisdiction of the Illinois Board of Higher Education and/or the Illinois Community College Board to teach a firearms training course or security training course shall be approved as satisfying the requirements of this Section.
- d) Any firearm training program approved by the Illinois Local Governmental Law Enforcement Officers Training Board shall be approved as satisfying the requirements of this Section.

(Source: Amended at 19 Ill. Reg. 954, effective JAN 17 1995 )

## Section 1240.40 Permanent Employee Registration Cards

- a) Any person seeking employee registration under Section ~~15~~ 80 of the Act shall file an application with the Department, on forms provided by the Department, along with the following:
  - 1) 1 set of fingerprint cards issued by the Illinois Department of State Police and 1 set of fingerprint cards issued by the Federal Bureau of Investigation; or
  - 2) ~~In-lieu-of-the-fingerprint-cards-7-a-full-time-peace-officer--may submit--verification~~ Verification, on forms provided by the Department, of full-time employment as a peace officer in lieu of fingerprint cards. Such verification shall be signed by ~~his~~ the employer. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses and has satisfied the training requirements of the Illinois Police Training Act. For purposes of this Section, officers, agents or employees of the federal government

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers-7;

- 3) One ~~1 1/2"~~ x ~~1 1/2"~~ photograph taken within the 3 months preceding application;
- 4) The required fingerprint processing fees; and
- 5) The required registration fee specified in Section ~~20~~ 105 of the Act, made payable to the Department of Professional Regulation.
- b) If no record is found affecting the prints, the Department shall issue, to the applicant, a permanent employee registration card, which shall be valid for the period specified on the face of the card, and shall be renewable upon the conditions set forth in Section 1240.50 of this Part.
- c) The employee registration card shall serve as proof to an employer that the bearer thereof is eligible for employment.
- d) Persons who have no access to confidential or security information and who do not provide security services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of ushers, ticket takers, elevator operators and reception personnel who have no access to confidential or security information. Confidential or security information is that which pertains to employee files, scheduling contracts or technical data.
- d) ~~All--persons-employed-by-an-agency-certified-under-this-Act-on-January 57-19847-shall-be-required-to-comply-with-the-provisions--of--this Section-~~

(Source: Amended at 19 Ill. Reg. 954, effective JAN 17 1995 )

## Section 1240.41 Refusal to Issue Employee Registration Card or Firearm Authorization Card Due to Criminal History Record Information

- a) For purposes of this Section, criminal history record information is defined as information collected by criminal justice agencies (defined in 20 ILCS 2630) on individuals consisting of identifiable descriptions and notation of arrests, detention, indictments, information, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision and release. The individual records must contain both information sufficient to identify the subject of the record and notations regarding any formal criminal justice transaction involving the identified individual.
- b) In determining whether an applicant for a permanent employee registration card or firearm authorization card is unfit for such registration because of ~~a---previous~~ criminal history record information, the Department shall consider the following standards:
  - a) Whether the crime(s) was one of armed violence [720 ILCS 5/Art. 33A] or moral turpitude. Moral turpitude consists of:
    - 1) Crimes involving dishonesty, false statement or some other



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

element of deceit, untruthfulness or falsification (including, but not limited to perjury, inducement of perjury, false statement, criminal fraud, embezzlement, false pretense, forgery, counterfeiting, and theft).

27B) Drug offenses including but not limited to the Illinois Controlled Substances Act (3111-Rev-Stat-1987, ch-56-1/27 per-1106-ek-seq-7 [720 ILCS 570/Art. I] and Federal Drug Enforcement Laws, 21 U.S.C. 801 et seq.

37C) Sex offenses including, but not limited to, all crimes listed in Article 11 of the Criminal Code of 1961 (3111-Rev-Stat-1987, ch-98-pars-11-1-et-seq-7 [720 ILCS 5/Art. XI].

b72) whether whether the crime is related to the detective, security or alarm profession. in--the--performance--of--the--duties--as-a detective--security-contractor-or-alarm-contractor-as-defined--in Section-2-of-the-Act.

3) Whether more than 10 years have elapsed since the date of completion of imposed sentence.

4) Whether the conviction was from a city ordinance violation or conviction for which a jail sentence was not imposed.

e75) whether whether the applicant has been sufficiently rehabilitated to warrant the public trust. The Department shall consider, but not be bound by, the following in considering whether an applicant has been presumed to be rehabilitated: An applicant--is--presumed--to--be--rehabilitated--if--one--or--more--of--the following--situations--applies--to--the--applicant--and--no--other information--as--set--forth--in--subsection--(d)--below--exists--to outweigh--that--presumption:

17A) Completion of probation;

27B) Completion of parole supervision; or

37C) If no parole was granted, a period of ten 10 years has elapsed after final discharge or release from any term of imprisonment without any subsequent conviction.

d7C) If any one of the following factors exist, this outweighs the presumption of rehabilitation as defined in subsection (c) above:

1) Lack-Lack of compliance with terms of punishment (i.e., failure to pay fines or make restitution, violation of the terms of probation or parole);

2) unwillingness-Unwillingness to undergo, or lack of cooperation in, medical or psychiatric treatment/counseling;

3) falsification-Falsification of an application for registration with the Department;

4) failure-Failure to furnish to the Department additional information or failure to appear for a conference with the Department in relation to the applicant's application for registration.

e7d) The following criminal history records shall not be considered in connection with an application for registration:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

1) Juvenile adjudications;

2) Records of arrest not followed by a conviction;

3) Convictions overturned by a higher court;

4) Convictions which have been the subject of a pardon or expungement-;

57) Convictions--from--which--a--period--of--more--than--ten--years--has elapsed--since--the--date--of--conviction--or--from--the--release--from--the confinement--imposed--for--that--conviction--whenever--is--the--later date-;

67) Convictions--of--city--ordinances--or--any--other--convictions--for--which no--jail--sentence--can--be--imposed-;

f7e) If determination is made that the applicant is unfit for registration, the applicant shall be so notified in writing that the Department intends to deny or intends to refuse to renew the permanent employee registration card or firearm authorization card. The applicant/licensee shall be given an opportunity to appear at a Department conference regarding the matter. Failure to appear at the conference shall result in the denial of the refusal to renew an applicant's permanent employee registration card or firearm authorization card or firearm authorization card. If the applicant chooses not to attend the conference, he/she may and shall be given an opportunity to request a formal hearing regarding such determination prior to final action by the Department in accordance with 68 Ill. Adm. Code 1110.

(Source: Amended at 19 Ill. Reg.

954 , effective

JAN 17 1995

## Section 1240.45 Firearm Authorization Cards

a) Each employer shall make a request to the Department, on forms supplied by the Department, for the issuance of a firearm authorization card for each employee whose duties include the use, carrying or possession of a firearm. Each employee shall have an active permanent employee registration card issued in accordance with Section 1240.40 prior to applying for a firearm authorization card.

b) Upon verification by the Department that the individual employees have completed the required firearm training course within the two 2 years preceding the request for a firearm authorization card, and meet all the requirements of the Act for issuance of a firearm authorization card, the Department shall issue such card to the employer for each employee. If the employee's firearm training was completed more than two 2 years before the request for a firearm authorization card, the employer shall submit evidence that the employee has requalified on the firing range within the six-months one year preceding the request.

c) The firearm authorization card shall be retained by the employer for the term of employment. Upon termination of employment the card shall be returned to the Department by the employer. In the event an

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

employee fails to return a firearm authorization card to the employer, the employer shall notify the Department in writing of such and the reason why the card was not returned.

d) No employee may carry a firearm until the requirements of this Section have been satisfied.

e) If an employee is employed by more than one agency, regardless of whether the agencies are owned or operated by the same or different person or persons, that employee must possess a separate firearm authorization card for each agency ~~which issues him a weapon~~.

(Source: Amended at 19 Ill. Reg. 954, effective JAN 17 1995)

## Section 1240.46 Recordkeeping Requirements--Employees-Files

a) Each agency employer licensed under the Act shall maintain a file on each employee pursuant to Section 80 of the Act. The employee file ~~which~~ shall be maintained by the agency for 2 years after termination of the employee, shall be accessible to duly authorized representatives of the Department with 24 hours prior notice, and shall contain the following information: ~~on-employees-required-by Section-15-of-the-Act--in-addition-to-these-items--each-file-shall contain-the-following-items:~~

1) A photograph of the employee taken within 10 days of the date the employee commences employment. The photo shall be replaced each 3 calendar years;

2) The employee's statement required in Section 80(b) of the Act;

3) All correspondence or documents related to the character and integrity of the employee received by the employer from an official source or law enforcement;

4) The employee identification card of a terminated employee pursuant to Section 80(h);

5) A copy of the weapons discharge report, if applicable, during the course of the employee's duties or activities;

6)a) Application for employment;

7)b) Certification of Completion of Basic Training ~~(or-certified-copy or-affidavit~~ as provided in Sections 1240.20 and 1240.25 of this Part;

8)c) Certificate of Firearm Training, if applicable (or notarized copy as provided in Section 1240.30 of this Part) verified by the licensee in charge;

9)d) Copy of employee's Permanent Employee Registration Card and Firearm Authorization Card and active Firearm Owner's Identification Card (FOID), if applicable; and

10)e) ~~A-work-history-of-the-employee-which-provides-an-account-of-at least--the--previous--five--years--employment--activities-- Certification or certified copy of requalification. (Section 1240.30)~~

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

b) Private alarm contractors who provide monitoring services shall maintain a separate roster of the names of all licensed agencies and/or individuals, including license number, from whom they accept monitoring contracts or assignments. The roster shall be made available to the Department upon 24 hour notice. It shall be considered unprofessional conduct, subject to discipline by the Department, for a licensed alarm contractor or agency to accept monitoring contracts or assignments from an unlicensed entity.

(Source: Amended at 19 Ill. Reg. 954, effective JAN 17 1995)

## Section 1240.47 Reporting Requirements

a) All licensees and registrants shall notify the Department in writing within 30 days of any conviction(s), arrest(s), and/or indictment(s) against him/her.

b) All agencies shall submit a monthly roster of employees with PERC application(s) pending with the Department.

c) All agencies shall submit a weapons discharge report, on forms provided by the Department, along with the police report of the incident, within 30 days after the incident.

(Source: Added at 19 Ill. Reg. 954, effective JAN 17 1995)

## Section 1240.48 Uniforms

All full uniforms ~~issued to~~ of registered security guard employees, which are to be worn during working hours, ~~while-those-employees-perform-duties-related to-their-employment~~ must bear the name of the ~~issuing~~ employing agency which shall be plainly visible.

(Source: Amended at 19 Ill. Reg. 954, effective JAN 17 1995)

## Section 1240.50 Renewals

a) Beginning with the May 1990 renewal, every individual license issued under the Act shall expire on May 31 every ~~three~~ 3 years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee set forth in Section 20.105 of the Act, and providing proof of liability insurance as evidenced by a certificate of insurance from the insurer ~~and, if applicable, by complying with the provisions of Section 6 of the Act as it pertains to firearm training~~.

b) Beginning with the May 1990 renewal, every certificate of registration for an agency and every branch office and proprietary security force

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

certificate issued under the Act shall expire on August 31 every three years. The holder of a certificate of registration may renew such certificate during the month preceding the expiration date thereof by paying the required fee.

c) Beginning with the May 1991 renewal, every employee registration card issued under the Act shall expire on May 31 every three years. The holder of the card may renew such card during the month preceding the expiration date by submitting the required fee to the Department.

d) It is the responsibility of each licensee and employee registration card holder to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew one's license or employee registration card or to pay the renewal fee. Practicing on an expired license or employee registration card is unlicensed practice and subject to discipline under Section 24 130 of the Act.

e) Every firearm authorization card shall expire on the date specified on the face of the card. The card shall be renewed upon proof that:

- 1) The employee has been requalified on the firing range within one year preceding the renewal date; and
- 2) The employee continues to be employed by the agency to which the card was issued.

f) No employer shall, after the expiration of a firearm authorization card, employ the holder thereof in an armed capacity.

(Source: Amended at 19 Ill. Reg. 954, effective JAN 17 1995)

## Section 1240.51 Requests for Duplicate Certificates

a) Requests for duplicate certificates to replace ones that have been lost, stolen or destroyed shall be made in writing to the Department and shall be made by the individuals to whom the certificates were issued.

b) Any person requesting a duplicate firearm authorization card shall first file a report with the local police authority which that specifies the circumstances under which the firearm authorization card was lost, stolen or destroyed.

c) Requests for a duplicate firearm authorization card shall be accompanied by an affidavit from the person making the request, which specifies specifying the date and with what police authority the above-mentioned police report was filed, and which summarizes summarizing the circumstances under which the firearm authorization card was lost, stolen or destroyed. The fee, as required by Section 20 105 of the Act, shall also accompany the request.

d) For purposes of this Section, the word "certificates" shall mean and include the following:

- 1) Individual licenses (Private Detective, Private Security Contractor and Private Alarm Contractor)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 2) Certificates of Registration for an agency
- 3) Licensee Pocket Cards
- 4) Permanent Employee Registration Cards
- 5) Certification of Completion of Firearm Training
- 6) Firearm Authorization Card.

(Source: Amended at 19 Ill. Reg. 954, effective JAN 17 1995)

## Section 1240.55 Endorsement

a) An applicant who is licensed under the laws of another jurisdiction shall file an application with the Department together with:

- 1) a-A certification from the licensing authority of the jurisdiction stating:

A) ~~the~~The time during which the applicant was licensed in that jurisdiction;

B) ~~whether~~Whether the file on the applicant contains ~~any~~ a record of any disciplinary action taken or pending; and

C) a-A brief description of the examination taken and the grades received; and

D) ~~that~~That the jurisdiction has substantially equal rules of endorsement ~~with~~Rev-Stat--1984-Supp-7-ch-117-par--3669 [225 ILCS 445/19]; and

2) a-A completed Education Certification Form, a completed Verification of Qualifying Experience Form or a completed Work History Form detailing the education and/or experience required by Section 14 75 of the Act ~~with~~Rev-Stat--1984-Supp-7-ch-117-par--2664; and

3) ~~the~~The required fee specified in Section 20 105 of the Act.

b) If the Department questions the documentation provided by the applicant because of discrepancies or conflicts in information, or missing information, or if the Department needs further information to determine substantial equivalence of the applicant's qualifications for licensure, the applicant will be requested to submit further information as the Department deems necessary to make such determination.

(Source: Amended at 19 Ill. Reg. 954, effective JAN 17 1995)

## Section 1240.60 Restoration

A licensee seeking restoration of a license ~~which was~~ issued after January 5, 1984, shall file an application on forms provided by the Department and shall also submit the following:

- a) ~~if~~If the license has expired for less than 5 years, the application must be accompanied by the required fees specified in Section 20



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

105(d)(7) of the Act, or an affidavit attesting to military service as provided in Section 20 105(c) of the Act.

- b) 46-If the license has expired for more than 5 6 years, the application must be accompanied by a request to be scheduled for the next available examination, a fee covering the cost of the examination and the required restoration fee specified in Section 20 105(d)(8) of the Act.

(Source: Amended at 19 Ill. Reg. 954, effective JAN 17 1995)

**Section 1240.65 Conduct of Hearings**

Any hearing conducted by the Department pursuant to Section 25 130 of the Act shall be conducted in accordance with the Department's Rules of Practice in Administrative Hearings (68 Ill. Adm. Code 1110).

(Source: Amended at 19 Ill. Reg. 954, effective JAN 17 1995)

**Section 1240.66 Investigation by the Department**

- a) The Department may conduct an investigation for the purpose of investigating an applicant or application, an agency, a licensee, a registrant or any other party for an alleged violation of the Act or this Part.

- b) The Department may require an applicant, an agency, a licensee or registrant to produce relevant documents, records or any other material pertinent to the investigation of alleged violations of the Act or this Part. Failure to provide such material shall be grounds for disciplinary action, as authorized by Section 120 of the Act.

(Source: Added at 19 Ill. Reg. 954, effective JAN 17 1995)

**Section 1240.70 Granting Variances**

- a) The Director may grant variances from these rules in individual cases where he/she finds that:

- 1) The provision from which the variance is granted is not statutorily mandated;
  - 2) No party will be injured by the granting of the variance; and
  - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of such variance, and the reasons therefore therefor, at the next meeting of the Board.

(Source: Amended at 19 Ill. Reg. 954, effective \_\_\_\_\_)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

JAN 17 1995

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: DAVID A. DEBOLT TEACHER SHORTAGE SCHOLARSHIP PROGRAM
- 2) Code Citation: 23 Ill. Adm. Code 2764
- 3) Section numbers:
- |         |                          |
|---------|--------------------------|
|         | <u>Emergency Action:</u> |
| 2764.10 | New                      |
| 2764.20 | New                      |
| 2764.30 | New                      |
| 2764.40 | New                      |
| 2764.50 | New                      |
- 4) Statutory Authority: Implementing Section 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/65.55] and authorized by Sections 20(f) and 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.55].

- 5) Effective Date of Amendments: February 1, 1995

- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: These emergency rules will not expire before the end of the 150-day period.

- 7) Date Filed in Agency's Principal Office: January 13, 1995

- 8) Reason for Emergency: ISAC is unable to adopt rules implementing this new teacher shortage scholarship program, through the regular rulemaking process, in sufficient time to perform all of the activities necessary to make financial aid awards to deserving Illinois residents for the 1995-96 academic year.

Public Act 88-0228 transferred administrative responsibility for ten scholarship and grant programs from the Illinois State Board of Education (ISBE) to ISAC. Seven of these programs were state-funded scholarship programs generally related to teaching. Importantly, the Act authorized ISAC to consolidate these programs "into one program whereby awards are made in the areas of outstanding students, minorities and shortage areas." Following an intensive study of these programs, ISAC has opted to exercise its statutory authority to restructure the seven previous programs into a single new program, the David A. DeBolt Teacher Shortage Scholarship program, through which academically talented students are encouraged to pursue careers as teachers in disciplines that have been designated as teacher shortage areas by the ISBE, with a priority given to minority applicants.

Emergency action is needed in order to permit the timely performance of activities necessary to implement this program of student financial assistance, under which the initial scholarships will be awarded for the 1995-96 academic year. In the absence of emergency rules, ISAC would not

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

be able to distribute application forms or disseminate program information to schools and prospective applicants until much later this year. ISAC's experience proves that it is imperative to provide information to Illinois students and their families early in the year so that they may make critical planning decisions related to careers, enrollment, and higher education financing. Furthermore, later distribution of application materials could result in diminished awareness of financial opportunities, as well as serious delays in the processing and awarding of scholarships, a resultant delay in the delivery of program funds, and even a decrease in student enrollment. This could result in a financial hardship to deserving Illinois families. On the basis of the foregoing factors, ISAC finds that there is a threat to the public interest and welfare which constitutes an emergency within the meaning of Section 5-45 of the Illinois Administrative Procedure Act.

- 9) A Complete Description of the Subjects and Issues Involved: These emergency rules will govern the David A. DeBolt Teacher Shortage Scholarship Program, which encourages academically talented students to pursue careers as public preschool, elementary and secondary Illinois school teachers in disciplines that have been designated as teacher shortage areas in the State of Illinois by the Illinois State Board of Education. This rulemaking will establish eligibility criteria for applicants, selection criteria for DeBolt Scholars, and program and institutional procedures for the awarding of assistance under this program beginning with the 1995-96 academic year. ISAC will adopt rules through the regular rulemaking process prior to the expiration of these emergency rules.

- 10) Are there any proposed amendments to the Part pending: No.

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par 2203) [30 ILCS 805/3] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 12) Information and questions regarding these emergency amendments shall be directed to:

Ms. Raquel G. Martinez  
Compliance Counsel  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, Illinois 60015  
(708) 948-8500, Ext. 3304

The full text of the emergency rule begins on the next page.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2764

## DAVID A. DEBOLT TEACHER SHORTAGE SCHOLARSHIP PROGRAM

Section  
2764.10 Summary and Purpose

## EMERGENCY

## 2764.20 Definitions

## EMERGENCY

## 2764.30 DeBolt Scholar Eligibility

## EMERGENCY

## 2764.40 Program Procedures

## EMERGENCY

## 12764.50 Institutional Procedures

## EMERGENCY

**AUTHORITY:** Implementing Section 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/65.55] and authorized by Sections 20(f) and 65.55 of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.55].

**SOURCE:** Emergency rules adopted at 19 Ill. Reg. 976, effective February 1, 1995, for a maximum of 150 days.

## Section 2764.10 Summary and Purpose

## EMERGENCY

a) The David A. DeBolt Teacher Shortage Scholarship encourages academically talented students to pursue careers as public preschool, elementary and secondary school teachers in disciplines that have been designated as Teacher Shortage Disciplines in the State of Illinois with a priority given to Minority Students.

b) This Part establishes the rules which govern the David A. DeBolt Teacher Shortage Scholarship Program. Additional rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

## Section 2764.20 Definitions

## EMERGENCY

"Cost of Attendance" - defined at Section 472 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 108711).

"Cumulative Grade Point Average" - The average grade earned throughout

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

a student's postsecondary educational program. The calculation shall be consistent with the Institution's established policy or practice and shall be the same as that which is used for admission, placement, or other similar purposes.

"DeBolt Scholar" - An individual who receives scholarship assistance under this Part.

"Expected Family Contribution" - For the purposes of this Part, the Expected Family Contribution shall be the amount determined pursuant to Title IV, Part F of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1087kk et seq.).

"Minority Student" - For the purposes of this Part, is defined at 23 Ill. Adm. Code 2763.20, Minority Teachers of Illinois (MTI) Scholarship Program, Definitions, "Minority Student."

"Qualified Applicant" - An Applicant who meets the requirements of Section 2764.30, DeBolt Scholar Eligibility.

"Renewal Applicant" - An applicant who was a DeBolt Scholar during any Term of the prior Academic Year and who maintains eligibility in accordance with Section 2764.40(d) of this Part.

"Teacher Education Program" - A postsecondary course of study which, upon completion, qualifies a student to be certified as a preschool, elementary or secondary school teacher by the Illinois State Board of Education (ISBE). For a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a Teacher Education Program.

"Teacher Shortage Discipline" - An academic discipline in which a shortage of teachers exists in Illinois, as designated by the ISBE.

## Section 2764.30 DeBolt Scholar Eligibility

## EMERGENCY

a) A completed application must be received in ISAC's Deerfield office on or before May 1 immediately preceding the Academic Year for which the scholarship is being requested, in order to receive priority consideration.

b) In addition to submitting an application on a timely basis, a Qualified Applicant must be:

- 1) a United States Citizen or an Eligible Noncitizen;
- 2) a Resident of Illinois;
- 3) a high school graduate or a person who has received a General Educational Development Certificate (GED); and



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

- 4) Enrolled, or accepted for enrollment, on at least a half-time basis at the sophomore level or above in a Teacher Education Program at an eligible Illinois public or private university or college and seeking initial certification in a Teacher Shortage Discipline.
- c) Applicants will be notified if they are not Qualified Applicants. Such an Applicant may appeal a finding of ineligibility in accordance with 23 Ill. Adm. Code 2700.70, Appeal Procedures.
- d) All applicants must also apply for federal student financial aid to determine the expected family contribution (EFC) because the EFC will be used as part of the selection criteria for the purpose of determining eligibility for the DeBolt Teacher Shortage Scholarship.
- e) If the student section of an application is incomplete, notice will be sent to the Applicant. The Applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date when the student section is complete and received in ISAC's Deerfield office.
- f) Prior to receiving scholarship assistance for any Academic Year, the Qualified Applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following:
  - 1) a pledge on the part of the DeBolt Scholar to teach for one year for each year of scholarship aid received in the Teacher Shortage Discipline for which the recipient applied, or any portion of a year for which aid was received, under this Part;
  - 2) a stipulation that such teaching requirement will be fulfilled within the five-year period following termination of the postsecondary education degree or certificate program for which the scholarship was awarded;
  - 3) a stipulation that such teaching requirement will be fulfilled at an Illinois public preschool, elementary or secondary school; and
  - 4) a further stipulation that, if the teaching requirement is not fulfilled, the scholarship converts to a loan and the DeBolt Scholar must repay the entire amount of the scholarship(s) prorated to the fraction of the teaching obligation not completed, plus interest at a rate no greater than the highest rate applicable to student loans under the Federal Family Education Loan Program and, if applicable, reasonable collection fees.
- g) A DeBolt Scholar shall not be in violation of the teaching agreement, and thus shall not be required to commence repayment as set forth in subsection (f) of this Section, if the recipient:
  - 1) serves, for not more than three years, as a member of the United States armed services;
  - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
  - 3) is seeking and unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

- (f)(3) of this Section, and is able to provide evidence of that fact; or
- 4) withdraws from a course of study leading to a teacher certification in a Teacher Shortage Discipline, but remains enrolled at least half-time in another academic discipline.
- h) A DeBolt Scholar shall not be required to repay the amount of the scholarship(s) received if s/he becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see e.g., 34 CFR 653.42(k)(i)), or if his or her representative provides ISAC with a death certificate or other evidence that the Scholar has died.
- i) Renewal Applicants may receive a subsequent award even if their discipline is no longer on the approved list of Teacher Shortage Disciplines.
- j) A DeBolt Scholar may receive up to 8 semesters/12 quarters of scholarship assistance under this program.
- k) Scholarship funds are applicable toward two semesters/three quarters of half-time and full-time study within an Academic Year.

## Section 2764.40 Program Procedures

## EMERGENCY

- a) Applications for the DeBolt Teacher Shortage Scholarship Program are available from qualified institutions throughout Illinois, state legislative and federal congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.
- b) ISAC shall accept applications to be a DeBolt Scholar (or Scholar) in accordance with Section 2764.30 of this Part, DeBolt Scholar Eligibility.
- c) ISAC shall identify Qualified Applicants from applications submitted by the established deadline date.
- d) ISAC shall select the DeBolt Scholars from among Qualified Applicants based on the following criteria:
  - 1) Cumulative Grade Point Average (GPA). Cumulative GPAs will be prioritized from the highest to the lowest. All GPAs will be converted to a four-point scale.
  - 2) Expected Family Contribution (EFC). EFCs will be prioritized from the lowest to the highest.
  - 3) Minority Student Status. Minority Students shall receive priority consideration.
  - 4) Renewal Applicant Status. Renewal Applicants shall receive priority consideration provided the student:
    - A) continues to maintain a Cumulative GPA of no less than 2.5 on a 4.0 scale;
    - B) maintains his or her status as a Qualified Applicant, as outlined in Section 2764.30(b) of this Part, DeBolt Scholar Eligibility;
    - C) continues to advance satisfactorily toward the attainment of

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

a degree in a Teacher Shortage Discipline; and  
D) has submitted an application on a timely basis.

- 5) If all other criteria are equal, priority consideration will be given to the Qualified Applicant who submitted his or her completed application to ISAC on the earliest date.
- e) The total number of scholarships awarded in a given fiscal year is contingent upon available funding.
- f) To the extent necessary to administer this program within the limits of the State appropriation, the Commission may adjust the priority consideration factors established by this Section.
- g) ISAC shall annually establish and publicize guidelines for the awarding of DeBolt Scholarships.
- h) Notice of eligibility shall be sent to each Qualified Applicant who is selected to receive a DeBolt Scholarship. A notice will be sent to each Qualified Applicant who is not selected to receive a DeBolt Scholarship.

#### Section 2764.50 Institutional Procedures EMERGENCY

- a) The Institution shall submit application information for Qualified Applicants in sufficient time for ISAC to make award announcements.
- b) The Institution shall submit the certification of eligibility for Qualified Applicants with its request for payment.
- c) ISAC shall disburse scholarship funds in two or three installments, depending on the number of Terms financed by the scholarship, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the Academic Year for which the scholarship is being awarded or when a DeBolt Scholar is attending only one Term and the maximum award does not exceed the Scholar's Cost of Attendance.
- d) Funds shall be remitted by ISAC to Institutions on behalf of the DeBolt Scholar(s).
- e) Upon receipt of scholarship funds, the institution shall verify the DeBolt Scholar's enrollment status. If the DeBolt Scholar is Enrolled, the Institution may credit the scholarship funds to the Scholar's account for expenses then due and payable. The balance of the disbursement shall be released to the Scholar. If the recipient has withdrawn from enrollment, the Institution shall return the total amount of the scholarship to ISAC.
- f) Scholarship Amount
  - 1) In accordance with this subsection, the Institution at which the DeBolt Scholar is enrolled shall compute the amount of the scholarship. The DeBolt Scholar must have reviewed and signed the Teaching Agreement/Promissory Note prior to the receipt of any scholarship assistance.
  - 2) DeBolt Teacher Shortage Scholarships are applicable only toward tuition and fees and room and board charges or commuter

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF EMERGENCY RULES

allowances, if applicable.

- 3) The annual scholarship awarded to a Qualified Applicant must not exceed:
  - A) tuition and fees plus room and board expenses charged by the Institution; or
  - B) tuition and fees plus the Institution's standard cost of living allowance for students living off-campus; or
  - C) a maximum of \$3,000.
- 4) The total amount of DeBolt Teacher Shortage Scholarship assistance awarded to a Qualified Applicant in a given Academic Year, when added to the other financial aid available to the Qualified Applicant for that year, cannot exceed the Cost of Attendance.
- 5) In any Academic Year in which the Qualified Applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), the Minority Teachers of Illinois Scholarship Program (23 Ill. Adm. Code 2763), or the Special Education Tuition Waiver Program (23 Ill. Adm. Code 2765), the Qualified Applicant shall not be eligible for scholarship assistance under this Part.
- 6) A Qualified Applicant may receive grant assistance under the Monetary Award Program (23 Ill. Adm. Code 2735) only up to the amount by which the DeBolt Scholar's Cost of Attendance exceeds the amount of the DeBolt Scholarship.

## BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Certificate of Certified Public Accountant
- 2) Code Citation: 23 Ill. Adm. Code 1300
- 3) Section Numbers: 1300.60      Emergency Action:      Amendment
- 4) Statutory Authority: Illinois Public Accounting Act. 225 ILCS 450
- 5) Effective Date of Amendments:      January 18, 1995
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Expires at end of 150-day period.

7) Date filed in Agency's Principal Office:      January 11, 1995

8) Reason for Emergency: As a result of amendments to the Illinois Public Accounting Act, the Board of Examiners has become an independent agency, separate from the University of Illinois. An analysis of the financial records turned over to the Board by the University in November has discovered that the current fees have not been sufficient to cover expenses of the examination for the last three examinations. Section 6 of the Illinois Public Accounting Act requires the Board to charge a fee in an amount "at least sufficient to defray the costs and expenses incident to the examination and issuance of a certificate. . . ." The Board has determined that there is not sufficient time between now and the next examination in May to adopt amendments to the fee schedule through the normal rulemaking process and give adequate notice to the public and to applicants for the May exam. In addition, the Board's fund balance is dangerously low and failure to raise fees until after the next examination could precipitate a fiscal crisis with regard to payment of Board obligations.

9) A Complete Description of the Subjects and Issues Involved: Various fees relating to the CPA examination are being increased.

10) Are there any proposed amendments to this Part pending? No.

11) Statement of Statewide Policy Objective: This emergency amendment has no effect on units of local government, school districts or community college districts.

12) Information and questions regarding this amendment shall be directed to:

Ms. Linda Sergent  
Executive Director  
Illinois Board of Examiners  
505 E. Green

## BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

## NOTICE OF EMERGENCY AMENDMENTS

Room 216  
Champaign, Illinois 61820  
(217) 333-1566

The full text of the emergency amendments begins on the next page:



## BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

## NOTICE OF EMERGENCY AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER V: BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

## PART 1300

## CERTIFICATE OF CERTIFIED PUBLIC ACCOUNTANT

## Section

1300.10	Administrative Functions
1300.10	Duties of the Board of Examiners
1300.20	Appointment of the Board of Examiners
1300.30	Terms of Office of the Board of Examiners (Repealed)
1300.40	Organization and Compensation of the Board of Examiners
1300.50	Filing of the Application and Payment of Fees
1300.60	
EMERGENCY	
1300.70	Rebate of Fees
1300.80	The High School Requirement (Repealed)
1300.80	The Educational Requirement
1300.90	Examinations-General
1300.100	Examinations-Advertising
1300.110	Examinations-Frequency
1300.120	Examinations-Scope
1300.130	Examinations-Length
1300.140	Examinations-Preparations and Grading
1300.150	Grading Scale, Condition Candidates, Transfer of Credits,
1300.160	Reciprocity and Out-of-State Candidates
1300.170	Failure in All Subjects-Re-examination
1300.180	C.P.A. Certificate-Awarding
1300.190	Retention of Records
1300.200	Disposition of Fees
1300.210	Revocation of C.P.A. Certificates (Repealed)
1300.220	Restoration of C.P.A. Certificates (Repealed)

AUTHORITY: Implementing, and authorized by Section 26 of the Illinois Public Accounting Act (Ill. Rev. Stat. 1991, ch. 111, pars. 5500.01 et seq.) [225 ILCS 450].

SOURCE: Emergency rule at 5 Ill. Reg. 276, effective December 15, 1980, for a maximum of 150 days; adopted at 5 Ill. Reg. 8303, effective July 31, 1981; emergency amendment at 7 Ill. Reg. 7342, effective June 1, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 3342; amended at 8 Ill. Reg. 24720, effective December 12, 1984; amended at 10 Ill. Reg. 4237, effective February 21, 1986; amended at 18 Ill. Reg. 14143, effective August 26, 1994; emergency amendment at 19 Ill. Reg. 984, effective January 18, 1995, for a maximum of 150 days.

## Section 1300.60 Filing of the Application and Payment of Fees

## EMERGENCY

## BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

## NOTICE OF EMERGENCY AMENDMENTS

a) Applicants for the examinations for the C.P.A. certificate under the Act shall file their applications with the Board together with official transcripts of academic records to establish their eligibility. The proper fee as authorized in Section 6 of the Act must accompany each application for examination, re-examination, reciprocity and transfer of examination grades. The schedule of fees shall be as follows:

1) Candidate writing for the first time	\$160.00
	\$235.00
2) Candidate transferring conditional credit from another jurisdiction	\$160.00
	\$235.00
3) Candidate for re-examination in all subjects	\$125.00
	\$235.00
4) Candidate writing three half-day sessions	\$100.00
	\$210.00
5) Candidate writing two half-day sessions	\$85.00
	\$185.00
6) Candidate writing one half-day session	\$70.00
	\$160.00
7) Candidate from another jurisdiction being proctored in Illinois	\$75.00
	\$100.00
8) Application for certificate under Section 5 of the Act	\$150.00
	\$235.00
9) Application for certificate by complete transfer of examination grades pursuant to Section 1300.60(d)	\$150.00
	\$235.00
10) Fee for certification of valid Illinois CPA certificate or duplicate CPA certificate	\$25.00
11) Fee for foreign credentials evaluation	\$175.00

b) The Board shall establish and collect a fee of \$.25 per page for letter and legal size copies as reimbursement for the cost of production, handling and shipping of lists and mailing labels of the

## BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

## NOTICE OF EMERGENCY AMENDMENTS

names and addresses of successful candidates and lists of names and addresses of applicants for examinations released as public information under the provision of Section 2 of the Act.

(Source: Emergency amendment at 19 Ill. Reg. 984, effective January 18, 1995, for a maximum of 150 days)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Clinical Psychologist Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1400
- 3) Section Numbers: Section 1400.20 and 1400.30
- 4) Date Proposal Published in Illinois Register: February 18, 1994, at 18 Ill. Reg. 2566
- 5) Date Adoption published in Illinois Register: July 15, 1994, at 18 Ill. Reg. 11191
- 6) Date Request for Expedited Correction Published in Illinois Register: December 23, 1994 (18 Ill. Reg. 18129)
- 7) Adoption Effective Date June 30, 1994
- 8) Correction Effective Date: June 30, 1994
- 9) Reason for Approval of Expedited Correction: When the file copy of the amended rules was prepared, six words with strikeouts in the Illinois Register version inadvertently were not removed from the file copy. The corrections specified bring the file copy of the rules in agreement with the copy of the text as published in the Illinois Register. The full text of the Sections, indicating the corrections, begins on the following page:

DEPARTMENT OF PROFESSIONAL REGULATION  
NOTICE OF EXPEDITED CORRECTION

clinical, school or counseling psychology experience in accordance with Section 1400.30(a) and (d) of this Part, one of which shall be an internship and one of which shall be postdoctoral.

- b) In accordance with Section 10(3)(b) of the Act, the individual shall be a graduate of a doctoral program that is equivalent to a clinical, school or counseling psychology program and shall complete two years of supervised clinical, school or counseling psychology experience in accordance with Section 1400.30(a) and (d) of this Part, one of which shall be an internship and one of which shall be postdoctoral.

1) In determining equivalent programs, the following minimum standards shall be met:

- A) The program is from a regionally accredited university, college or school;
- B) The program constitutes the university, college or school's clinical, school or counseling psychology program as certified by the dean of the institution and includes a practicum as defined in Section 1400.30(b). (If there is an additional clinical, school or counseling program that exists under the clinical, school or counseling psychology name, the applicant shall apply under Section 10(5) of the Act and subsection (c) of this Section);
- C) The program, wherever ~~they may be~~ administratively housed, must be clearly identified and labeled as a ~~offering~~ psychology program. The program must specify in institutional catalogues and brochures its intent to educate and train psychologists;
- D) The program is an organizational entity within the institution;
- E) The program has an integrated, organized sequence of study;
- F) The program has an identifiable core psychology faculty on-site and a psychologist responsible for the program;
- G) The program has an identifiable body of students who are matriculated in that program for a degree;
- H) The program encompasses a minimum of three academic years of full-time graduate study;
- I) The program has a one year residence. Residence requires interaction with psychology faculty and other matriculated psychology students. One year's residence or its equivalent is defined as follows:
- i) 30 semester hours taken on a full-time or part-time basis at the institution, accumulated within 24 months; or
- ii) A minimum of 350 hours of student-faculty contact involving face-to-face individual or group courses or seminars accumulated within 18 months. Such educational meetings must include both faculty-student and student-student interaction, be conducted by the psychology faculty of the institution at least 90% of

DEPARTMENT OF PROFESSIONAL REGULATION  
NOTICE OF EXPEDITED CORRECTION

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1400  
CLINICAL PSYCHOLOGIST LICENSING ACT

Section	
1400.10	Statutory Authority (Repealed)
1400.20	Licensure Qualifications
1400.30	Experience Defined
1400.40	Application for Examination
1400.50	Examination
1400.60	Endorsement
1400.65	Renewals
1400.70	Restoration
1400.80	Unethical, Unauthorized, or Unprofessional Conduct
1400.90	Granting Variances

AUTHORITY: Implementing the Clinical Psychologist Licensing Act [225 ILCS 15] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 5 Ill. Reg. 935, effective January 15, 1981; codified at 5 Ill. Reg. 11057; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 400 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1400 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2972; emergency amendments at 13 Ill. Reg. 2519, effective February 8, 1989, for a maximum of 150 days; emergency expired July 8, 1989; amended at 14 Ill. Reg. 4515, effective March 12, 1990; amended by adding Subsections 1400.20(b)(10) and (c)(2)(H) and 1400.30(a)(4), (b)(4) and (c)(5) at 14 Ill. Reg. 12735, effective July 30, 1990; amended at 18 Ill. Reg. 11191, effective June 30, 1994; expedited correction at 19 Ill. Reg. 880, effective June 30, 1994.

Section 1400.20 Licensure Qualifications

An individual applying for licensure as a clinical psychologist pursuant to the Clinical Psychologist Licensing Act [225 ILCS 15] (the Act) shall meet the following educational/experience requirements pursuant to Section 10 of the Act:

- a) In accordance with Section 10(3)(a) of the Act, the individual shall be a graduate of a doctoral program in clinical, school or counseling psychology accredited by the American Psychological Association or approved by the Council for the National Register of Health Service Providers in Psychology and shall complete two years of supervised



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EXPEDITED CORRECTION

consider:

- i) A program that is from a regionally accredited institution of higher education;
- ii) A program, wherever administratively housed, that is clearly identified and labeled as offering psychology programs. The program must specify in institutional catalogues and brochures its intent to educate and train psychologists;
- iii) A program that is an organizational entity within the institution;
- iv) A program that has an integrated, organized sequence of study;
- v) A program that has an identifiable core psychology faculty on-site and a psychologist responsible for the program;
- vi) A program that has an identifiable body of students who are matriculated in that program for a degree;
- vii) A program that encompasses a minimum of three academic years of full-time graduate study;
- viii) A program that has a one year residence. Residence requires interaction with psychology faculty and other matriculated psychology students. One year's residence or its equivalent is defined as follows: 30 semester hours taken on a full-time or part-time basis at the institution accumulated within 24 months; or

A minimum of 350 hours of student-faculty contact involving face-to-face individual or group courses or seminars accumulated within 18 months. Such educational meetings must include both faculty and student and student-student interaction, be conducted by the psychology faculty of the institution at least 90% of the time, be fully documented by the institution, and relate substantially to the program and course content. The institution must clearly document how the applicant's performance is assessed and evaluated.

- 2) The applicant shall complete a course in each of the 7 core content areas pursuant to Section 10(3)(b) of the Act as set forth below:
  - A) Scientific and professional ethics in psychology set forth in Section 1400.80(k) and (l);
  - B) Biological basis of behavior such as physiological, comparative psychology, sensation and perception, psychopharmacology; Cognitive-affective basis of behavior such as learning, thinking, motivation, emotion;
  - C) Social basis of behavior such as social psychology, group processes, organizational and systems theory;

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EXPEDITED CORRECTION

the time, be fully documented by the institution, and relate substantially to the program and course content. The institution must clearly document how the applicant's performance is assessed and evaluated.

- 2) the applicant's program shall include the seven core content areas pursuant to Section 10(3)(B) of the Act as set forth below:

- A) Scientific and professional ethics in psychology, which include the standards set forth in Section 1400.80(k) and (l);
- B) Biological basis of behavior such as physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology;
- C) Cognitive-affective basis of behavior such as learning, thinking, motivation, emotion;
- D) Social basis of behavior such as social psychology, group processes, organizational and systems theory;
- E) Individual differences which includes instruction in theories of normal and abnormal personality functioning;
- F) Assessment which includes instruction in clinical interviewing and the administration, scoring and interpretation of psychological test batteries for the diagnosis of mental abilities and personality functioning;
- G) Treatment modalities which includes instruction in the theory and application of a diverse range of psychological interventions for the treatment of mental, emotional, behavioral or nervous disorders.

- c) In accordance with Section 10(5) of the Act, the individual shall be a graduate of a doctoral psychology program or a graduate of a doctoral program which that is psychological in nature; complete a course in each of the 7 core content areas listed in Section 10(3)(b) of the Act; complete a practicum in accordance with Section 1400.30(a) and (b) of this Part; complete an internship or equivalent supervised clinical experience in accordance with Section 1400.30(a) and (c) of this Part; and complete two years of supervised clinical psychology experience in accordance with Section 1400.30(a) and (d) of this Part, one of which must be postdoctoral.

- 1) The applicant's doctoral program shall meet the following requirements:

- A) The program is accredited by the Association of State and Provincial Psychology Boards or Council for the National Register of Health Service Providers in Psychology and is not a designated clinical or counseling psychology program; or
- B) The program is psychological in nature as determined by the Department of Professional Regulation (Department) upon the recommendation of the Clinical Psychologists Licensing and Disciplinary Committee (the Committee). In determining what program is psychological in nature, the Committee shall

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EXPEDITED CORRECTION

- E) Individual differences which includes instruction in theories of normal and abnormal personality functioning;
- F) Assessment which includes instruction in clinical interviewing and the administration, scoring and interpretation of psychological test batteries for the diagnosis of mental abilities and personality functioning;
- G) Treatment modalities which includes instruction in the theory and application of a diverse range of psychological interventions for the treatment of mental, emotional, behavioral or nervous disorders.

d) For the purposes of this Section, course shall be defined as an integrated, organized didactic sequence of study which encompasses a minimum of one school term. No independent study courses may be used to satisfy the 7 core content areas set forth in Section 10 of the Act and subsections (b)(2) and (c)(2) of this Section.

## e) Remediation of Deficiencies

- 1) Individuals who are deficient in any of the 7 core content areas may complete any one or all of these courses in a clinical, school or counseling psychological program accredited by the American Psychological Association, approved by the Council for the National Register of Health Service Providers in Psychology or a program approved in accordance with subsection (b) above.
- 2) Individuals who are deficient in the practicum, internship or equivalent supervised clinical experience, or clinical experience requirements may obtain this experience in accordance with the standards set forth in Section 1400.30 of this Part.

- 3) T The applicant will be required to submit proof to the Department that he or she has completed such a course(s) and/or the experience. Documentation shall include, but not be limited to, curriculum/course syllabus, transcript(s), practicum, and program materials; internship handbook/brochures and course materials; and internship training plan.
- 4) The deficiency(s) may be completed at any time.

(Source: Expedited correction at 19 Ill. Reg. 989, effective June 30, 1994)

**Section 1400.30 Experience Defined**

The following sets forth standards for **required** practicums, internships or equivalent supervised experience and the 2 years of supervised experience required for licensure as a clinical psychologist pursuant to Section 10 of the Act and Section 1400.20 of this Part:

- a) Practicums, internships or equivalent supervised experience and the 2 years of supervised experience:
  - 1) Shall be experience obtained after enrollment in a doctoral psychology program.
  - 2) Shall involve the practice of clinical psychology as defined in

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EXPEDITED CORRECTION

Section 2(5) of the Act. Illustrative tasks are: assessing, diagnosing and treating individuals with mental, emotional, behavioral or nervous disorders or conditions, or individuals with developmental disabilities.

- 3) Shall not be limited to repetitious and routine tasks which, although involving psychological activities, are at the pre-professional level. Tasks illustrative of pre-professional experience are: administering and scoring structured tests; conducting standardized interviews; collecting data; academic guidance counseling; and assisting in a laboratory or teaching situation.
- 4) Shall not be supervised experience in which the supervisor receives monetary payment or other considerations from the supervisee or in which the supervisor is hired by or otherwise employed by the supervisee.

b) Practicum. In addition to the requirements set forth in subsection (a) above, the applicant's practicum (externship or clerkship) shall:

- 1) Be a part of the coursework in the doctoral program or be an equivalent 400 hours of coursework or training completed with a grade of satisfactory or better in a new area of competence approved by the Board prior to initiating the training.
- 2) Involve the applicant in direct clinical psychology services to the client.
- 3) Provide for personal supervision by a licensed clinical psychologist, licensed psychologist who is engaged in the practice of clinical psychology or by a person possessing the educational and experience qualifications necessary for licensure under the Act. However, failure of the licensing examination disqualifies one as a supervisor.
- 4) Be performed pursuant to the order, control and full professional responsibility of the supervisor who shall meet with the applicant face-to-face for a minimum of 40 hours.
- 5) Be a minimum of 400 hours in duration. This 400 hours does not have to take place in a single setting.
- 6) Not count toward the two years of supervised experience required for licensure.
- 7) Clearly delineate between practicum, internship and supervised work experience, using identifiable dates at the time of application.
- c) Internship. To meet the requirements of internship in accordance with Section 1400.20 or equivalent supervised clinical experience in an organized health care setting pursuant to Section 10(5) of the Act and Section 1400.20(c) of this Part, the internship or clinical experience shall, in addition to the requirements set forth in subsection (a) above:
  - 1) Be an organized pre-planned training program (in contrast to supervised experience or on the job training) designed to provide the applicant with a pre-planned, programmed sequence of training

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EXPEDITED CORRECTION

experiences which includes documented goals and objectives. The primary focus and purpose is assuring breadth and quality of training.

- 2) Include a minimum of one hour per week of regularly scheduled, face-to-face individual supervision with the specific intent of dealing with health services rendered directly by the applicant. There must also have been at least two additional hours per week in learning activities such as case conferences, including cases in which the intern was actively involved; seminars dealing with clinical issues; co-therapy with a staff person, including discussion; group supervision; and additional individual supervision.
- 3) Involve the applicant in direct clinical psychology services to the client (Section 2 of the Act) as a part of the training experience.
- 4) Be under the individual and personal supervision of a licensed clinical psychologist or a licensed psychologist who is engaged in clinical psychology whose license is active and in good standing (i.e., no disciplinary action in accordance with Section 15 of the Act).
- 5) Be performed pursuant to the order, control and full professional responsibility of the supervisor.
- 6) Include a minimum of 1750 hours completed within 24 months. The 1750 hours may not be completed in less than 50 weeks regardless of the number of hours worked per week.
  - A) Full-time experience shall be at least 35 hours per week and shall be obtained in a single setting for a minimum of 6 months.
  - B) Part-time experience will only be counted if it is 18 hours or more per week for a minimum of 9 months and is in a single setting.
- 7) Be post-practicum (post-clerkship or post-externship) level.
- 8) The experience must be evaluated by the supervisor as satisfactory or better.
- 9) If experience takes place in a work setting, there should be a distinction between the regular work duties of the applicant and the internship or equivalent clinical experience.
- 10) May include both paid and unpaid experience obtained by the applicant.
- d) Clinical Experience. To meet the experience requirements of Section 10 of the Act, the experience shall in addition to the requirements set forth in subsection (a) above:
  - 1) Contain/include clinical psychology experience, at least one year of which must be post-doctoral. Practicum experience may not be counted toward fulfilling the 2 years of supervised experience.
    - A) A year of experience is defined as 1750 hours obtained in not less than 50 weeks and completed within a 36 month period.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF EXPEDITED CORRECTION

- B) Full-time work experience must be obtained in a single setting for a minimum of 6 months with at least 35 hours per week.
- C) Part-time experience will only be counted if it is 18 hours or more a week for a minimum of 9 months and is in a single setting.
- D) Post-doctoral experience may begin upon completion of degree requirements for the doctoral degree, if verification of the date of completion of the degree requirement, when different from the date of graduation, is certified to the Department by the appropriate administrative official of the applicant's educational institution.
- 2) Be personally and individually supervised by a licensed clinical psychologist or a licensed psychologist who is engaged in the practice of clinical psychology whose license is active and in good standing (i.e., no disciplinary action in accordance with Section 15 of the Act). The experience must be performed pursuant to the order, control and full professional responsibility of the supervisor.
- 3) Be evaluated by the supervisor as satisfactory or better.
- 4) Be obtained prior to the date of the examination. Applicants completing the required experience after the examination date will be considered for the next examination. All supervised experience completed prior to the application date shall be listed on the application in order to be considered.
- 5) May include both paid and unpaid experience obtained by the applicant.

(Source: Expedited correction at 19 Ill. Reg. 989, effective June 30, 1994)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Aid to Families with Dependent Children
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: Section 112.82
- 4) Date Proposal Published in Illinois Register: May 13, 1994 (18 Ill. Reg. 7208)
- 5) Date Adoption Published in Illinois Register: October 28, 1994 (18 Ill. Reg. 15774)
- 6) Date Request for Expedited Correction Published in Illinois Register: December 30, 1994 (18 Ill. Reg. 18407)
- 7) Adoption Effective Date: October 17, 1994
- 8) Correction Effective Date: October 17, 1994

9) Reason for Approval of Expedited Correction: Amendments to Section 112.82 were adopted effective October 17, 1994. The notice of adopted amendments was published on October 28, 1994, at 18 Ill. Reg. 15774. The published text of the adopted amendments failed to include changes that were made in the amendments by the Department as a result of public comments, affecting the wording of subsection (d) of Section 112.82. The intended changes were described in the second notice submitted to the Joint Committee on Administrative Rules and in the notice of adopted amendments. The changes were also included in the text officially filed by the Department with the Administrative Code Division in the Office of the Secretary of State. Only the text published in the Illinois Register failed to include these changes. These corrections are "omissions . . . that create unintentional discrepancies between adopted rule text and text previously published in the Illinois Register" as provided at 1 Ill. Adm. Code 245.110(a) and Section 5-85(b) of the Illinois Administrative Procedure Act. The failure to include the changes in the language in Section 112.82(d) in the published text created the unintentional discrepancies. The request for expedited correction was approved by the Joint Committee on Administrative Rules at its meeting on January 10, 1995.

The full text of the corrected Section begins on the following page.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EXPEDITED CORRECTION

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 112

## AID TO FAMILIES WITH DEPENDENT CHILDREN

## SUBPART A: GENERAL PROVISIONS

Section	
112.1	Description of the Assistance Program
112.5	Incorporation by Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Lack of Parental Support or Care
112.61	Death of a Parent
112.62	Incapacity of a Parent
112.63	Continued Absence of a Parent
112.64	Unemployment of the Parent

## SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section	
112.70	Participation Requirements for JOBS
112.71	Individuals Exempt from JOBS
112.72	JOBS Participation/Cooperation Requirements
112.73	Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74	JOBS Initial Assessment Process/Development of an Employability Plan
112.76	JOBS Orientation
112.77	Conciliation and Fair Hearings
112.78	JOBS Components
112.79	JOBS Sanctions
112.80	Good Cause for Failure to Comply with JOBS Participation Requirements
112.81	Responsible Relative Eligibility for JOBS
112.82	JOBS Supportive Services
112.83	Young Parents Program
112.84	Work Experience Evaluation Project
112.85	Four Year College/Vocational Training Demonstration Project

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF EXPEDITED CORRECTION

NOTICE OF EXPEDITED CORRECTION

SUBPART E: PROJECT ADVANCE

Section  
112.86 Project Advance  
112.87 Project Advance Experimental and Control Groups  
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers  
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers  
112.90 Project Advance Sanctions  
112.91 Good Cause for Failure to Comply with Project Advance  
112.93 Individuals Exempt From Project Advance  
112.95 Project Advance Supportive Services

112.143 Recognized Employment Expenses  
112.144 Income From Work/Study/Training Program  
112.145 Earned Income From Self-Employment  
112.146 Earned Income From Roomer and Boarder  
112.147 Income From Rental Property  
112.148 Payments from the Illinois Department of Children and Family Services  
112.149 Earned Income In-Kind Assets  
112.150 Exempt Assets  
112.151 Asset Disregards  
112.152 Deferral of Consideration of Assets  
112.153 Property Transfers (Repealed)  
112.154 AFDC Income Limit

SUBPART F: EXCHANGE PROGRAM

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section  
112.98 Exchange Program  
  
Unearned Income  
112.100 Unearned Income of Stepparent or Parent  
112.101 Budgeting Unearned Income  
112.105 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision  
112.106 Initial Receipt of Unearned Income  
112.107 Termination of Unearned Income  
112.108 Exempt Unearned Income  
112.110 Education Benefits  
112.115 Incentive Allowances  
112.120 Unearned Income In-Kind  
112.125 Earmarked Income  
112.126 Lump Sum Payments  
112.127 Protected Income  
112.128 Earned Income Tax Credit  
112.130 Budgeting Earned Income  
112.131 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision  
112.133 Initial Employment  
112.134 Budgeting Earned Income For Contractual Employees  
112.135 Budgeting Earned Income For Non-Contractual School Employees  
112.136 Termination of Employment  
112.137 Transitional Payments (Repealed)  
112.138 Exempt Earned Income  
112.140 Earned Income Exemption  
112.141 Exclusion From Earned Income Exemption  
112.142

SUBPART H: PAYMENT AMOUNTS

Section  
112.250 Grant Levels  
112.251 Payment Levels in AFDC  
112.252 Payment Levels in AFDC Group I Counties  
112.253 Payment Levels in AFDC Group II Counties  
112.254 Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section  
112.300 Persons Who May Be Included in the Assistance Unit  
112.301 Presumptive Eligibility  
112.302 Monthly Reporting  
112.303 Retrospective Budgeting  
112.304 Budgeting Schedule  
112.305 Strikers  
112.306 Foster Care Program  
112.307 Responsibility of Sponsors of Aliens  
112.308 Special Needs Authorizations  
112.309 Institutional Status  
112.315 Young Parent Program (Renumbered)  
112.320 Redetermination of Eligibility  
112.330 Extension of Medical Assistance Due to Increased Income from Employment  
112.331 Four Month Extension of Medical Assistance Due to Child Support Collections  
112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)  
112.340 New Start Payments to Individuals Released from Department of Corrections Facilities

SUBPART J: CHILD CARE

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EXPEDITED CORRECTION

Section  
112.350 Child Care  
112.352 Child Care Eligibility  
112.354 Qualified Provider  
112.356 Notification of Available Services  
112.358 Participant Rights and Responsibilities  
112.362 Additional Service to Secure or Maintain Child Care Arrangements  
112.364 Rates of Payment for Child Care  
112.366 Method of Providing Child Care  
112.370 Non-JOBS Education and Training Program

## SUBPART K: TRANSITIONAL CHILD CARE

Section  
112.400 Transitional Child Care Eligibility  
112.404 Duration of Eligibility for Transitional Child Care  
112.406 Loss of Eligibility for Transitional Child Care  
112.408 Qualified Child Care Providers  
112.410 Notification of Available Services  
112.412 Participant Rights and Responsibilities  
112.414 Child Care Overpayments and Recoveries  
112.416 Fees for Service for Transitional Child Care  
112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13) [305 ILCS 5/Arts. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EXPEDITED CORRECTION

September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EXPEDITED CORRECTION

Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13825, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; emergency amendment at 13 Ill. Reg. 16142, effective

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EXPEDITED CORRECTION

October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16006, effective October 6, 1989; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 506, effective October 17, 1994.

## SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

## Section 112.82 JOBS Supportive Services

- a) AFDC participants involved in JOBS are eligible to receive supportive service payments to enable them to participate in the program to the extent state resources permit and must receive supportive services if required to participate. The Department is not required to provide supportive services unless the Department requires participation.
- b) During the initial assessment, the supportive services needed by the participant which must be discussed and provided or arranged as needed include at least the following:
  - 1) transportation;

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EXPEDITED CORRECTION

- 2) child care;  
 3) job search allowance;  
 4) initial employment expenses;  
 5) required books, fees, supplies; and  
 6) required physical examinations and medical services (for example, TB test).
- c) JOBS participation shall not be required if supportive services are needed for effective participation but unavailable from the Department or some other reasonably available source. Individuals may be required to make a co-payment for Transitional Child Care (see Sections 112.400 through 112.418).
- d) Student financial assistance received under Title IV of the Higher Education Act (20 USC 1070 et seq. and 20 USC 1087uu), including but not limited to Federal Pell Grants, Supplemental Educational Opportunity Grants, Byrd Scholarship Honors Program Grants, State Student Incentive Grants, Federal Stafford Loans, Supplemental Loans for Students, Perkins Loans, College Work Study and PLUS Loans, shall be exempt when determining eligibility or need for supportive services under the JOBS program (Sections 112.70 through 112.83), or the amount of such supportive services, except as follows. The Department shall not issue payment for the amount of supportive service needs (other than child care) which the Department is able to conclusively determine have been or will be met from such portion of a student's financial assistance grant as is not disbursed to the student but rather is retained by the educational institution and applied to the cost of a specific educational expense otherwise payable as a supportive service under the JOBS program. Such exception shall not apply to the student's loan proceeds, which may never be taken into account in determining the need or eligibility of any student for supportive services, or the amount of such supportive services, under the JOBS program. Nor shall such exception apply if the educational institution intermingles student grant and loan proceeds and the Department is unable to conclusively determine the portion of solely grant proceeds that is not disbursed to the student but rather is retained by the educational institution and applied to the cost of a specific educational expense otherwise payable as a supportive service under the JOBS program. Surplus financial aid--benefits--to--clients from--Pell--grants--scholarships--from--the--Illinois--Student--Assistance Commission--loans--and--all--other--scholarships--and--grants--are--considered available--to--meet--the--education--and--training--supportive--service--needs incurred--by--clients--Financial--aid--benefits--will--be--considered available--only--if--they--are--not--budgeted--against--food--stamps--Financial--aid--benefits--are--not--considered--available--to--meet--child--care costs--Surplus--financial--aid--benefits--are--funds--disbursed--to--clients after--payment--for--tuition--books--fees--and--supplies--are--deducted--from the--clients--financial--aid--award--Only--when--surplus--financial--aid benefits--are--determined--insufficient--to--meet--clients--allowable educational--expenses--for--the--academic--term--will--financial--aid--benefits

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EXPEDITED CORRECTION

~~be-supplemented-by-the-Department.~~

- e) Eligible Services  
 1) Transportation  
 A) If requested and required (for example, a participant who does not have an automobile), expenses for transportation shall be provided to enable participants to attend Orientation and Assessment meetings and all other scheduled JOBS appointments.  
 B) Transportation expenses are to be paid to permit participation in JOBS, including travel necessary to locate appropriate child care.  
 C) Transportation expenses are to be paid to permit the participant to take a state certification examination.  
 D) Payment for lodging is permitted with Department approval to allow the participant to take a state certification examination. The Department's determination is based on the participant's geographical location, time required for travel, and means of available transportation from the examination site.  
 E) Payment for transportation is only made for expenses which, with other educational expenses, exceed the amount of the financial aid benefits.  
 F) Transportation payments are made at the most reasonable and most economical rate, whichever is less. If the participant's own automobile is used, 15¢ per mile will be approved, which includes all vehicle-related expenses. The maximum transportation allowance is \$300 per month.
- 2) Child Care  
 A) If requested and required (for example, when school is not in session), expenses for child care services shall be provided to enable participants to attend Orientation and Assessment meetings and all other scheduled JOBS appointments.  
 B) Child care expenses are to be paid to permit participation in JOBS (see Section 112.78).  
 C) Maximum rates for child care have been established by the Illinois Department of Children and Family Services (DCFS) (see 89 Ill. Adm. Code 356.5(g)). The Department shall allow payment of an amount not to exceed the maximum rates per child as established by DCFS.
- 3) Job Search Allowance  
 A) An allowance of \$20.00 a month is to be paid to individuals participating in the Job Search Component to assist in the payment of job search-related expenses.  
 B) An allowance of \$10.00 a month shall be paid to individuals to assist in the payment of job search-related expenses if job search activities are part of another JOBS component except, if the individual is scheduled at 80 hours in the

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EXPEDITED CORRECTION

Community Work Experience component or Unemployed Parent Work Experience Component and is making five employer contacts each month, the allowance for job search-related expenses is \$5.00 a month.

- 4) **Mandatory Fees**  
Mandatory fees, including application, registration, activities, laboratory, graduation and testing fees, are provided to participants enrolled in approved education or training programs (see Section 112.78) when the mandatory fees are not covered by financial aid benefits. A maximum payment of \$300.00 per 12 month period shall be provided. No payments are allowed for tuition.
- 5) **Books and Supplies**  
Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which a participant is enrolled. A maximum payment of \$300.00 per 12 month period can be provided for expenses not covered by financial aid benefits.
- 6) **Required Physical Examinations and Medical Services**  
Payment is permitted for participants to obtain required physical examinations and medical services (for example, TB test) if the costs are not otherwise provided by sources such as the employer or the training program.
- 7) **Initial Employment Expenses**
  - A) Payment may be provided for employment expenses incurred when requested within 30 calendar days from the date employment begins. These expenses are paid on the individual's work days during a 30 calendar day period from the date employment begins. The total amount of all Initial Employment Expenses provided shall not exceed \$400 in a 12 consecutive month period. Initial Employment Expenses used for child care are excluded from the calculation of the total amount. Payment may be made to individuals employed at least 20 hours weekly on a job that is expected to last at least 30 calendar days, or employed less than 20 hours weekly on a job that is expected to last at least 30 calendar days and total hours of employment plus component activity equal at least 20 hours per week.
  - B) These expenses include:
    - i) special clothing (maximum \$200);
    - ii) required tools which are not provided by the employer (maximum \$200);
    - iii) repairs on an automobile (maximum \$300). The following requirements are to be met before a request for payment for repair of and automobile is approved: The client has no other available and suitable form of transportation to and from employment. The client is unable to report to the

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EXPEDITED CORRECTION

employment unless the automobile is repaired. The client has a valid driver's license and has provided evidence of insurability. The automobile, when repaired, will be suitable for the purpose intended and no other obvious mechanical deficiency has been observed. The title and license of the automobile must be in the name of the client (or the client's spouse in an AFDC/AFDC-U case);

- iv) auto license plate fees;
  - v) auto liability insurance at the cheapest rate but not to exceed \$150 or three months coverage, whichever is less costly;
  - vi) transportation expenses at the most reasonable and most economical rate, whichever is less. If the participant's own car is used, 15¢ per mile shall be authorized. A maximum payment of \$3.00 per day shall be approved;
  - vii) child care;
  - viii) physical examinations prior to employment if required and not provided by the employer;
  - ix) other required items related to a specific job (maximum \$300); and
  - x) items or services purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300.00). Items and services may include but are not limited to the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone.
- C) Initial employment expenses shall not be authorized to purchase fire arms, pay bail bonds or traffic tickets, or pay relocation expenses so an individual can accept employment elsewhere.
- D) Also not permitted as an initial employment expense are expenses required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services' licensed child care provider.
- F) These allowances are exempt from consideration in determining the AFDC grant amount.
- G) Ancillary Supportive Services
- 1) In addition to supportive service payments as specified in subsection (b) above, participants are eligible to receive the following ancillary supportive services, if needed and the service is available in the community at no cost to the Department, to enable them to participate in JOBS:
    - A) vocational rehabilitation;
    - B) emergency intervention services;



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EXPEDITED CORRECTION

- C) substance abuse or domestic violence programs;  
D) life skills training activities;  
E) family planning/sex education;  
F) parenting skills; and  
G) family counseling.
- 2) Child care and transportation at the Department's established rates may be provided to enable JOBS participants to receive ancillary supportive services if they also participate in a component activity.
- 3) Regarding emergency intervention services, JOBS staff will refer the participant to the appropriate Local Office for application under the Crisis Assistance Program (see 89 Ill. Adm. Code 116). The need for supportive services shall be discussed with the participant when a review of the participant's employability plan is made.

(Source: Expedited correction at 19 Ill. Reg. 908, effective October 17, 1994)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of Part: Agrichemical Facilities
- 2) Code Citation: 8 Ill. Adm. Code 255
- 3) Register Citation to Notice of Proposed Amendments:  
19 Ill. Reg. 1, January 6, 1995
- 4) Date, Time and Location of Public Hearing:  
Friday, February 10, 1995, 10:00 a.m.  
Department of Agriculture  
Agriculture Building, State Fairgrounds  
Springfield, IL 62794-9281
- 5) Other Pertinent Information:

Persons unable to attend the hearing may present their comments on the proposed rulemaking in writing to the Director, Department of Agriculture, P. O. Box 19281, State Fairgrounds, Springfield, Illinois 62794-9281. A 45-day written comment period commenced on the day the notice of rulemaking appeared in the Illinois Register (January 6, 1995). All comments received will be fully considered by the agency.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of Part: Lawncare Wash Water and Rinsate Collection

2) Code Citation: 8 Ill. Adm. Code 256

3) Register Citation to Notice of Proposed Amendments:

19 Ill. Reg. 13, January 6, 1995

4) Date, Time and Location of Public Hearing:

Friday, February 10, 1995, 10:00 a.m.

Department of Agriculture  
Agriculture Building, State Fairgrounds  
Springfield, IL 62794-9281

5) Other Pertinent Information:

Persons unable to attend the hearing may present their comments on the proposed rulemaking in writing to the Director, Department of Agriculture, P. O. Box 19281, State Fairgrounds, Springfield, Illinois 62794-9281. A 45-day written comment period commenced on the day the notice of rulemaking appeared in the Illinois Register (January 6, 1995). All comments received will be fully considered by the agency.

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PUBLIC INFORMATION

Pursuant to the provisions of 20 ILCS 1605/7.1, the Illinois Department of the Lottery shall publish each January in the Illinois Register a list of all game-specific rules, play instructions, directives, operations manuals, brochures, or other game-specific publications issued by the Department during the previous year. Following is the list of game-specific materials published by the Lottery during calendar year 1994.

Departmental Directive #94-05: "Agent Bonus Payment: Win for Life Instant Game"

Departmental Directive #94-06: "Special Game Designation: Illinois Instant Riches"

Departmental Directive #95-02: "End of Game: Little Lotto 5/35"

Departmental Directive #95-03: "Special Game Designation: Holiday Cash, Game #53"

Departmental Directive #95-04: "Special Game Designation: Little Lotto 5/30 First Drawing"

Departmental Directive #95-05: "Prize Claim Periods and Requirements for Instant Games"

Game Rules - Instant Game No. 28, "High Card"

Game Rules - Instant Game No. 29, "Win for Life"

Game Rules - Instant Game No. 30, "Double Bonus"

Game Rules - Instant Game No. 31, "Bunny Bucks"

Game Rules - Instant Game No. 32, "Monopoly Instant Game"

Game Rules - Instant Game No. 33, "Grand Slam"

Game Rules - Instant Game No. 34, "7-11-21"

Game Rules - Instant Game No. 35, "Illinois Instant Riches"

Game Rules - Instant Game No. 36, "Return of Super 7's"

Game Rules - Instant Game No. 37, "Double Doubler"

Game Rules - Instant Game No. 38, "Blackjack"

Game Rules - Instant Game No. 39, "Wild Time"

Game Rules - Instant Game No. 40, "Cash Vault"

Game Rules - Instant Game No. 41, "Double Dip"

Game Rules - Instant Game No. 42, "Heat Wave"

Game Rules - Instant Game No. 43, "Birthday Millions"

Game Rules - Instant Game No. 44, "Double Pay"

Game Rules - Instant Game No. 45, "First 'n Ten"

Game Rules - Instant Game No. 46, "Bankroll"

Game Rules - Instant Game No. 47, "In Between"

Game Rules - Instant Game No. 48, "Opportunity Knocks"

Game Rules - Instant Game No. 49, "Monster Match"

Game Rules - Instant Game No. 50, "Holiday Surprise"

Game Rules - Instant Game No. 51, "Fat Cat"

Game Rules - Instant Game No. 52, "Holiday Double Doubler"

Game Rules - Instant Game No. 53, "Holiday Cash"

Game Rules - Instant Game No. 54, "Hook Shot"

Game Rules - Instant Game No. 55, "Joker's Wild"

Game Rules - Instant Game No. 56, "Dynamite Doubler"

## DEPARTMENT OF THE LOTTERY

## NOTICE OF PUBLIC INFORMATION

On-Line Game Rules, revised as of April 1994 and November 1994  
 On-Line Drawing Procedures, revised as of January 1, 1994 and November 7, 1994  
 \$100,000 Fortune Hunt TV Game Show Procedures, revised as of April 1, 1994 and May 26, 1994

Illinois Instant Riches TV Game Show Procedures, effective with program aired July 9, 1994; revised effective September 1, 1994

"Little Lotto Wizard Mail In Offer" Official Promotion Rules  
 "Win the World with the Wizard" Official Promotion Rules

"Cabin Fever 2nd Chance Cruisestakes" Drawing Procedures  
 On-Line Game Winning Numbers for 1994

Instant Game Sale and Claim Dates (All games since 1975)

Lotto by Phone/Mail Brochure and Subscription Form  
 Lottery News - "The Illinois Lottery: How to Play and Win" (Updated)

Instant Game Prize List  
 Little Lotto 5/30 Odds Calculation

Illinois Instant Riches Game Show Information Sheet  
 "Win the World with the Wizard" Trip Specifications Sheet and News Release

"Win Wheels with the Wizard" Winner List and News Release

Copies of the foregoing may be obtained by submitting a written request to:

Freedom of Information Officer  
 Illinois Department of the Lottery  
 P. O. Box 19080  
 Springfield, Illinois 62794-9080

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## REGULATORY AGENDA

1) Heading of the Part: Subacute Alcoholism and Substance Abuse Treatment Services.

2) Code Citation: 77 Ill. Adm. Code 2090.

3) A description of the rule(s): The amendments will make changes in subacute service reimbursement under Medicaid. The changes will begin to apply managed care concepts to such services to help assure cost-effective use of Medicaid dollars and implement Medicaid reform measures.

4) Statutory Authority: Illinois Alcoholism and Other Drug Dependency Act, 20 ILCS 301/5-10, 1994.

5) Schedule of dates for hearings, meetings, opportunities for public participation: The Department will accept comments at the address below, consistent with legal requirements. Notice of hearing will be published subsequently should one be required.

6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments) for publication in the Illinois Register: Prior to June 30, 1995.

7) Information concerning this regulatory agenda shall be directed to:

Nancy J. Bennett  
 JRTC 100 W. Randolph Street,  
 Suite 5-600  
 Chicago, Illinois 60601  
 (312) 814-3840; TDD: (312) 419-8432

8) Will this amendment affect small business, small municipalities or not for profit corporations? Some Department licensees under Part 2090 are small businesses and not-for-profit corporations.



## DEPARTMENT OF TRANSPORTATION

## REGULATORY AGENDA

- 1) Heading of the Part: Inspection, Repair and Maintenance

- 2) Code Citation: 92 Ill. Adm. Code 396

- 3) A description of the rules(s): This rulemaking, through the incorporation by reference of federal standards, will establish driver pre-trip and post-trip requirements for operators of commercial motor vehicles.

- 4) Statutory Authority: Implementing Sections 18b-100 through 11l and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/18b-100 through 11l].

- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled

- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repeal) for publication in the Illinois Register: Unknown

- 7) Information concerning this regulatory agenda shall be directed to:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 300  
2300 South Dirksen Parkway  
Springfield, Illinois 62764  
(217) 782-3215

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? This rulemaking will affect small businesses that operate commercial motor vehicles.

- 9) Other pertinent information concerning this rule (amendment, repealer):  
None

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 10, 1995 through January 16, 1995 and have been scheduled for review by the Committee at its February 7, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
2/23/95	Department of Insurance, Long-Term Care Insurance (50 Ill Adm Code 2012)	9/16/94 18 Ill Reg 14213	2/7/95
2/23/95	Department of Central Management Services, Pay Plan (80 Ill Adm Code 310)	11/14/94 18 Ill Reg 16490	2/7/95
2/25/95	Department of Mines and Minerals, The Coal Mining Act (62 Ill Adm Code 140)	11/4/94 18 Ill Reg 16054	2/7/95
2/25/95	Department of Conservation, The Taking of Wild Turkeys-Spring Season (17 Ill Adm Code 710)	11/14/94 18 Ill Reg 16500	2/7/95
2/25/95	Department of Public Aid, Developmental Disabilities Services (89 Ill Adm Code 144)	11/14/94 18 Ill Reg 16521	2/7/95
2/25/95	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	11/4/94 18 Ill Reg 16059	2/7/95
2/26/95	Department of Children and Family Services, Appeal of Child Abuse and Neglect Investigation Findings (89 Ill Adm Code 336)	7/22/94 18 Ill Reg 11407	2/7/95
2/26/95	Department of Public Aid, Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)	9/30/94 18 Ill Reg 14590	2/7/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

2/26/95	Department of Public Aid, Medical Assistance Programs (89 Ill Adm Code 120)	10/7/94 18 Ill Reg 14830	2/7/95
2/26/95	Department of Public Aid, Aid to Families with Dependent Children (89 Ill Adm Code 112)	10/21/94 18 Ill Reg 15495	2/7/95
2/26/95	Department of Professional Regulation, The Structural Engineering Licensing Act of 1989 (68 Ill Adm Code 1480)	11/28/94 18 Ill Reg 16901	2/7/95

EXECUTIVE ORDER

95-1

LIEUTENANT GOVERNOR'S DUTIES AND RESPONSIBILITIES  
REGARDING ECONOMIC DEVELOPMENT

Whereas, Article V, Section 14 of the Illinois Constitution empowers the Lieutenant Governor to "perform the duties and exercise the powers in the Executive Branch that may be delegated to him by the Governor and that may be prescribed by law";

Whereas, in order to ensure the future prosperity of the People of Illinois, the State of Illinois requires a coordinated, effective and well-managed system of economic development programs and policies;

Whereas, the State of Illinois has over time established a myriad of economic development programs spread among a wide variety of agencies, departments, boards and commissions;

Whereas, it is necessary and desirable to combine the oversight and management of these various programs under a single coordinated approach;

Whereas, the Lieutenant Governor's Office is uniquely qualified to administer such a coordinated approach to economic development programs and issues;

Therefore, I, Jim Edgar, hereby order the following:

I. DUTIES AND RESPONSIBILITIES OF THE LIEUTENANT GOVERNOR  
REGARDING ECONOMIC DEVELOPMENT.

The Lieutenant Governor, at the direction of the Governor, shall be responsible for coordinating the establishment, implementation and management of economic development programs and policies in the State of Illinois. The Lieutenant Governor shall act as the Governor's senior economic development advisor. The Lieutenant Governor shall be responsible for reporting to the Governor regarding such programs and policies and communicating the Governor's initiatives to the appropriate officials, agencies, departments, boards and commissions under the jurisdiction of the Governor.

A. Department of Commerce and Community Affairs

The Department of Commerce and Community Affairs is the principal agency of State Government charged with encouraging economic development. The Director of DCCA shall report to the Lieutenant Governor but shall remain ultimately responsible to the Governor. The Lieutenant Governor shall have responsibility for reporting to the Governor and communicating to the agency the Governor's directives regarding the administration of the agency. The Lieutenant Governor shall ensure that the operations, programs, and policies of the agency are reviewed on a regular basis and make appropriate recommendations to the Governor for improvements in the agency's economic development efforts.

B. Other Agencies Affecting Economic Development Issues.

The Lieutenant Governor shall have the responsibility for reviewing the programs and policies of each State agency, department, board and commission

under the jurisdiction of the Governor that carries out activities affecting economic development issues. Each Agency, department, board and commission under the jurisdiction of the Governor at the request of the Lieutenant Governor shall designate a staff member to act as an economic development liaison with the Lieutenant Governor regarding the economic development programs and policies at that agency, department, board or commission.

## II. CREATION OF THE ECONOMIC DEVELOPMENT COORDINATING COUNCIL.

Effective economic development policy requires coordination and communication among many diverse entities in State government. To facilitate the necessary cooperation, an Economic Development Coordinating Council (the "Council") shall be established.

### A. Membership.

The Lieutenant Governor shall serve as the Chairman of the Council. In addition to the Chairman, members of the Council shall include the Director of the Department of Commerce and Community Affairs, the Secretary of the Department of Transportation, the Director of the Illinois Environmental Protection Agency, the Director of the Department of Agriculture, the Director of the Department of Revenue, the Director of the Department of Labor, the Director of the Department of Employment Security, the Chairman of the Illinois Capital Development Board, the Chairman of the Illinois Development Finance Authority, the Chairman of the Illinois Housing Development Authority, the Chairman of the Illinois Job Training Coordinating Council, the Chairman of the Illinois Coalition, the Chairman of the State Board of Education, the Chairman of the Board of Higher Education, the Chairman of the Prairie State 2000 Authority, the Chairman of the Illinois Industrial Commission and the Chairman of the State Council on Vocational Education. The Governor may appoint additional members from time to time at the request of the Lieutenant Governor. The Members of the Council shall serve in this capacity without additional compensation.

### B. Meetings and Mission.

The Council shall meet at the discretion of the Lieutenant Governor. The Council shall study and make recommendations to the Governor regarding improvements and modifications to the State's economic development programs and policies that the Council deems appropriate or as requested by the Governor or the Lieutenant Governor.

### C. Staff Support.

At the direction of the Chairman, the Council shall be assisted by staff from the Department of Commerce and Community Affairs.

## III. SAVINGS CLAUSE

The powers and duties provided for in this Executive Order are, and are intended to be, consistent with Sections 8 and 14 of Article 5 of the Constitution of the State of Illinois and do not alter or diminish the

Governor's powers, duties and responsibilities under the Constitution and laws of Illinois.

### IV. EFFECTIVE DATE

This Executive Order shall become effective January 10, 1995.

Issued by the Governor January 10, 1995.

Filed with the Secretary of State January 10, 1995.



ILLINOIS REGISTER CUMULATIVE INDEX		Vol. 19, Issue #4	January 27, 1995
<b>CONSERVATION, DEPARTMENT OF</b>			
17 Ill. Adm. Code 1075	Consultation Procedures For Assessing Impacts Of Agency Actions On Endangered And Threatened Species and Natural Areas (A-594)		
<b>CORRECTIONS, DEPARTMENT OF</b>			
20 Ill. Adm. Code 425	Chaplaincy (P-152)		
<b>FINANCIAL INSTITUTIONS, DEPARTMENT OF</b>			
38 Ill. Adm. Code 110	Consumer Installment Loan Act (A-44)		
38 Ill. Adm. Code 160	Sales Finance Agency Act (A-49)		
<b>HIGHER EDUCATION, BOARD OF</b>			
23 Ill. Adm. Code 1020	Health Services Education Grants Act (A-928)		
<b>INDUSTRIAL COMMISSION</b>			
50 Ill. Adm. Code 7060	Judicial Review (RQ-292)		
<b>INSURANCE, DEPARTMENT OF</b>			
50 Ill. Adm. Code 3401	Summary Document, Disclaimer & Notice (P-784)		
<b>LABOR, DEPARTMENT OF</b>			
56 Ill. Adm. Code 250	Illinois Child Labor Law (P-19)		
<b>LOTTERY, DEPARTMENT OF</b>			
11 Ill. Adm. Code 1770	Lottery (General) (P-791)		
<b>NUCLEAR SAFETY, DEPARTMENT OF</b>			
32 Ill. Adm. Code 360	Use Of X-Rays In The Healing Arts Including Medical, Dental, Podiatry, And Veterinary Medicine (P-163) (E-273)		
<b>PROFESSIONAL REGULATION, DEPARTMENT OF</b>			
68 Ill. Adm. Code 1400	Clinical Psychologist Licensing Act (EC-989)		
68 Ill. Adm. Code 1200	Illinois Certified Shorthand Reporters Act Of 1984 (A-940)		
68 Ill. Adm. Code 1240	Private Detective, Private Alarm And Private Security Act Of 1993 (A-954)		
<b>PUBLIC AID, DEPARTMENT OF</b>			
89 Ill. Adm. Code 112	Aid To Families With Dependent Children (P-804) (EC-998)		
89 Ill. Adm. Code 113	Aid To The Aged, Blind Or Disabled (P-815)		
89 Ill. Adm. Code 116	Crisis Assistance (P-824)		
89 Ill. Adm. Code 170	Demonstration Programs (P-530) (E-645)		
89 Ill. Adm. Code 140	Medical Payment (P-165)		
89 Ill. Adm. Code 118	Special Eligibility Groups (P-829)		
<b>PUBLIC HEALTH, DEPARTMENT OF</b>			
77 Ill. Adm. Code 750	Food Service Sanitation Code (P-533)		

ILLINOIS REGISTER CUMULATIVE INDEX		Vol. 19, Issue #4	January 27, 1995
<b>ACTION CODES</b>			
A - Adopted Rule	P - Proposed Rule		
AR - Adopted Repealer	PR - Prohibited Filing Order by JCAR*		
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules		
CC - Codification Changes	PR - Proposed Repealer		
E - Emergency Rule	R - Refusal to meet JCAR* Objection		
ER - Emergency Repealer	RC - Statement of Recommendation		
M - Modification to meet JCAR*	S - Suspension ordered by JCAR*		
O - JCAR* Statement of Objections	W - Withdrawal to meet JCAR*		
RQ - Request for Correction	Objections		
EC - Expedited Corrections	MR - Modification and Refusal		
*Joint Committee on Administrative Rules			

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

<b>AGRICULTURE, DEPARTMENT OF</b>			
8 Ill. Adm. Code 255	Agrichemical Facilities (P-1)		
8 Ill. Adm. Code 60	Bees And Apiary Act (P-754)		
8 Ill. Adm. Code 256	Lawncare Wash Water And Rinsate Collection (P-13)		
<b>CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF</b>			
44 Ill. Adm. Code 5000	Acquisition, Management & Disposal Of Real Property (A-585)		
80 Ill. Adm. Code 310	Pay Plan (P-764)		
80 Ill. Adm. Code 2110	State Of Illinois Dependent Care Assistance Plan (P-774)		
80 Ill. Adm. Code 2120	State Of Illinois Medical Care Assistance Plan (P-779)		
80 Ill. Adm. Code 2800	Travel (A-36)		
<b>COMMERCE COMMISSION, ILLINOIS</b>			
92 Ill. Adm. Code 1202	Applications (P-522)		
92 Ill. Adm. Code 1205	Fees And Taxes (P-525)		
<b>COMPTROLLER MERIT COMMISSION</b>			
80 Ill. Adm. Code 100	Merit Commission Rules (A-206)		
<b>COMPTROLLER, OFFICE OF THE</b>			
74 Ill. Adm. Code 285	Claim Eligible To Be Offset (A-227)		

ILLINOIS REGISTER		ILLINOIS REGISTER	
Vol. 19, Issue #4	CUMULATIVE INDEX	Vol. 19, Issue #4	CUMULATIVE INDEX
	January 27, 1995		January 27, 1995
77 Ill. Adm. Code 845	Lead Poisoning Prevention Code (A-238)	8 Ill. Adm. Code 256; Lawn-care Wash Water And Rinsate Collection	1012
77 Ill. Adm. Code 615	Local Health Protection Grant Rules (P-833)	<b>LABOR, DEPARTMENT OF</b>	
77 Ill. Adm. Code 905	Private Sewage Disposal Code (W-287)	56 Ill. Adm. Code 200; Illinois Minimum Wage Law (Repeal of)	66
77 Ill. Adm. Code 760	Retail Food Store Sanitation Code (P-551)	56 Ill. Adm. Code 210; Minimum Wage Law	67
77 Ill. Adm. Code 510	Testing Of Breath, Blood And Urine For Alcohol And/Or Other Drugs (P-185)		
77 Ill. Adm. Code 790	The Illinois Formulary For The Drug Product Selection Program (W-289) (W-290)		
77 Ill. Adm. Code 672	WIC Vendor Management Code (A-606)	<b>PUBLIC INFORMATION</b>	
	Superfecta (P-568)	<b>AFFORDABLE HOUSING PROGRAM, ILLINOIS</b>	68
<b>RACING BOARD, ILLINOIS</b>		Annual Plan Of The Advisory Commission	
11 Ill. Adm. Code 311		<b>BANKS AND TRUST COMPANIES, COMMISSIONER OF</b>	650
<b>REHABILITATION SERVICES, DEPARTMENT OF</b>		Notice Of Acceptance Of An Application Texas Financial Bancorporation, Inc., Minneapolis, Minnesota To Acquire Fulton State Bank, Fulton, Illinois	
89 Ill. Adm. Code 557	Application (P-839)	Notice Of Acceptance Of An Application Texas Financial Bancorporation, Inc., Minneapolis, Minnesota To Acquire Monmouth Financial Services, Minneapolis, Minnesota And Thereby Acquire Monmouth Trust And Savings Bank, Monmouth, Illinois	651
89 Ill. Adm. Code 553	Assessment For Determining Eligibility And Rehabilitation Needs (P-842)		
89 Ill. Adm. Code 562	Client Financial Participation (P-846)		
89 Ill. Adm. Code 590	Services (P-28)		
<b>REVENUE, DEPARTMENT OF</b>			
86 Ill. Adm. Code 130	Retailers' Occupation Tax (P-571)	<b>LOTTERY, DEPARTMENT OF</b>	1013
<b>SECRETARY OF STATE</b>		Listing Of Game-Specific Materials Published By The Lottery During Calendar Year 1994	
92 Ill. Adm. Code 1001	Procedures And Standards (P-34) (E-54)	<b>REVENUE, DEPARTMENT OF</b>	652
<b>STUDENT ASSISTANCE COMMISSION, ILLINOIS</b>		The Uniform Penalty And Interest Act	
23 Ill. Adm. Code 2771	College Savings Bond Bonus Incentive Grant (BIG) Program (P-852)	<b>REGULATORY AGENDA</b>	
23 Ill. Adm. Code 2764	David A. DeBolt Teacher Shortage Scholarship Program (E-976)	<b>ABANDONED MINED LANDS RECLAMATION COUNCIL</b>	294
23 Ill. Adm. Code 2720	Federal Family Education Loan Program (FFELP) (P-861)	Abandoned Mined Lands Reclamation; 62 Ill. Adm. Code 2501	
23 Ill. Adm. Code 2700	General Provisions (P-883)	Public Information, Rulemaking, And Organization; 2 Ill. Adm. Code 1500	296
23 Ill. Adm. Code 2763	Minority Teachers Of Illinois (MTI) Scholarship Program (P-894)	Selection Of Contractors And Consultants; 44 Ill. Adm. Code 1150	297
23 Ill. Adm. Code 2735	Monetary Award Program (MAP) (P-903)		
23 Ill. Adm. Code 2762	Paul Douglas Teacher Scholarship Program (P-912)	<b>AGRICULTURE, DEPARTMENT OF</b>	
23 Ill. Adm. Code 2760	State Scholar Program (P-920)	Anhydrous Ammonia, Low Pressure Nitrogen Solutions, Equipment, Containers, And Storage Facilities; 8 Ill. Adm. Code 215	71
<b>UNIVERSITY OF ILLINOIS, THE BOARD OF TRUSTEES OF</b>		Farmland Preservation Act; 8 Ill. Adm. Code 700	72
23 Ill. Adm. Code 1300	Certificate Of Certified Public Accountant (E-984)	Illinois Seed Law; 8 Ill. Adm. Code 230	73
		Illinois State Fair, And Duquoin State Fair, Non-Fair Space Rental And The General Operation Of The State Fairgrounds; 8 Ill. Adm. Code 270	74
		Weights And Measures Act; 8 Ill. Adm. Code 600	75
<b>NOTICE OF PUBLIC HEARINGS</b>			
<b>AGRICULTURE, DEPARTMENT OF</b>			
8 Ill. Adm. Code 255; Agricultural Facilities	1011		

Vol. 19, Issue #4	ILLINOIS REGISTER CUMULATIVE INDEX	January 27, 1995
<b>ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF</b>		
Subacute Alcoholism And Substance Abuse Treatment Services; 77 Ill. Adm. Code 2090		1015
<b>AUDITOR GENERAL</b>		
Code Of Regulations; 74 Ill. Adm. Code 420		76
Code Of Rules; 74 Ill. Adm. Code 440		77
Purchases & Contracts; 44 Ill. Adm. Code 500		78
<b>BANKS AND TRUST COMPANIES, COMMISSIONER OF</b>		
Blacklist Prohibition; 38 Ill. Adm. Code 302		298
Corporate Fiduciary Subsidiaries; 38 Ill. Adm. Code 396		299
Organization, Information And Rulemaking Procedures Of The Commissioner Of Banks And Trust Companies; 38 Ill. Adm. Code 301		300
Public Hearings On Acquisitions Of Illinois Banks Or Illinois Bank Holding Companies By Midwest Bank Holding Companies; 38 Ill. Adm. Code 390		301
Standards For Operation And Conduct Of Affairs Of Corporate Fiduciaries; 38 Ill. Adm. Code 399		303
<b>CAPITAL DEVELOPMENT BOARD</b>		
Bidder Responsibility And Suspension Of Contractors; 44 Ill. Adm. Code 0017		306
Illinois Accessibility Code; 71 Ill. Adm. Code 400		304
Insurance And Surety Companies; 44 Ill. Adm. Code 1050		305
Prequalification And Suspension Of Contractors; 44 Ill. Adm. Code 950		307
<b>CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF</b>		
Acquisition, Management & Disposal Of Real Property; 44 Ill. Adm. Code 5000		79
Conditions Of Employment; 80 Ill. Adm. Code 303		80
Joint Rules Of The Comptroller And The Department Of Central Management Services; Prompt Payment; 74 Ill. Adm. Code 900		81
Merit And Fitness; 80 Ill. Adm. Code 302		82
Pay Plan; 80 Ill. Adm. Code 310		83
State Of Illinois Dependent Care Assistance Plan; 80 Ill. Adm. Code 2110		85
State Of Illinois Medical Care Assistance Plan; 80 Ill. Adm. Code 2120		86
State Vehicles And Garage; 44 Ill. Adm. Code 5040		87
Travel; 80 Ill. Adm. Code 2800		88
Travel Regulation Council; 80 Ill. Adm. Code 3000		89
<b>CHILDREN AND FAMILY SERVICES, DEPARTMENT OF</b>		
Client Service Planning; 89 Ill. Adm. Code 305		308
Confidentiality Of Personal Information Of Persons Served By The Department; 89 Ill. Adm. Code 431		310
Foster Care Placement Goal; 89 Ill. Adm. Code 301		311
<b>ILLINOIS REGISTER CUMULATIVE INDEX</b>		
<b>Vol. 19, Issue #4</b>		<b>January 27, 1995</b>
Licensing Enforcement; 89 Ill. Adm. Code 383		313
Licensing Standards For Child Care Institutions And Maternity Centers; 89 Ill. Adm. Code 404		315
Licensing Standards For Child Welfare Agencies; 89 Ill. Adm. Code 401		317
Licensing Standards For Foster Family Homes; 89 Ill. Adm. Code 402		319
Licensing Standards For Group Homes; 89 Ill. Adm. Code 403		321
Reports Of Child Abuse And Neglect; 89 Ill. Adm. Code 300		323
Services Delivered By The Department; 89 Ill. Adm. Code 302		325
Transfer Of Violent Juvenile Offenders To The Department Of Corrections; 89 Ill. Adm. Code 312		326
<b>COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF</b>		
Economic Dislocation And Worker Adjustment Assistance; 56 Ill. Adm. Code 2625		327
Illinois Small Business Development Program; 14 Ill. Adm. Code 570		328
Industrial Training Program; 56 Ill. Adm. Code 2650		329
Service Delivery System And State Responsibilities; 56 Ill. Adm. Code 2600		330
State Administration Of The Federal Community Development Block Grant Program For Small Cities; 47 Ill. Adm. Code 110		331
Training Services For The Disadvantaged; 56 Ill. Adm. Code 2610		332
Uniform Fiscal And Administrative Standards For The Job Training Partnership Act; 56 Ill. Adm. Code 2630		333
<b>COMMERCE COMMISSION, ILLINOIS</b>		
Federal Demand Management Investment Standard; 83 Ill. Adm. Code 0013		335
Federal Energy Efficiency Investment Standard; 83 Ill. Adm. Code 0014		334
Interconnection; 83 Ill. Adm. Code 790		336
Least-Cost Planning For Electric Utilities; 83 Ill. Adm. Code 440		338
Least-Cost Planning For Natural Gas Utilities; 83 Ill. Adm. Code 535		339
Pay Telephone Providers; 83 Ill. Adm. Code 771		340
Presubscription; 83 Ill. Adm. Code 0015		341
Standard Filing Requirements For Electric, Gas, Water And Sewer Utilities And Telecommunications Carriers In Filing For An Increase In Rates; 83 Ill. Adm. Code 285		342
Standards Of Service Applicable To 9-1-1 Emergency Systems (General Order 207); 83 Ill. Adm. Code 725		343
Telecommunications Access For The Hearing And Voice Impaired; 83 Ill. Adm. Code 755		344
<b>COMPTROLLER, OFFICE OF THE</b>		
Contract Content; 74 Ill. Adm. Code 290		653



Vol. 19, Issue #4	ILLINOIS REGISTER CUMULATIVE INDEX	January 27, 1995
	ILLINOIS REGISTER CUMULATIVE INDEX	January 27, 1995
	Efficient And Adequate Standards For The Building Specifications For The Construction Of Schools; 23 Ill. Adm. Code 175	369 370
	Electronic Transfer Of Funds; 23 Ill. Adm. Code 155	
	Public Schools Evaluation, Recognition And Supervision; 23 Ill. Adm. Code 1	371 372
	Pupil Transportation; 23 Ill. Adm. Code 275	
	Truants' Alternative And Optional Education Programs; 23 Ill. Adm. Code 205	373 374 375
	Urban Education Partnership Program; 23 Ill. Adm. Code 245	
	Vocational Education; 23 Ill. Adm. Code 254	
	<b>ENVIRONMENTAL PROTECTION AGENCY</b>	
	Annual Testing Fees For Analytical Services; 35 Ill. Adm. Code 691	90
	Design Criteria Of Pressure Sewer Systems; 35 Ill. Adm. Code 374	91
	General Conditions Of State Of Illinois Grants For Nonhazardous Solid Waste Planning And Enforcement; 35 Ill. Adm. Code 871	92 93
	General Conformity; 35 Ill. Adm. Code 255	
	Illinois Recommended Standards For Sewage Works; 35 Ill. Adm. Code 370	94
	Joint Rules Of The Illinois Environmental Protection Agency, The Illinois Department Of Public Health And The Illinois Department Of Nuclear Safety: Certification And Operation Of Environmental Laboratories; 35 Ill. Adm. Code 183	95
	Procedures & Requirements For Conflict Resolution In Revising Water Quality Management Plans; 35 Ill. Adm. Code 351	97
	Procedures For Collection Of Review And Evaluation Services Costs; 35 Ill. Adm. Code 859	98
	Procedures For Issuing Solid Waste Planning And Enforcement Grants; 35 Ill. Adm. Code 870	100
	Procedures For The Operation Of The Fee System For Processing Inquiry Requests For Agency Records; 35 Ill. Adm. Code 877	101
	Procedures To Be Followed In The Performance Of Annual Inspections Of Motor Vehicle Exhaust Emissions; 35 Ill. Adm. Code 276	102
	<b>HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS</b>	
	Data Collection; 77 Ill. Adm. Code 2510	655
	Hospital Price Information; 77 Ill. Adm. Code 2530	656
	Penalties; 77 Ill. Adm. Code 2540	657
	<b>HISTORIC PRESERVATION AGENCY</b>	
	Rules Implementing "The Archaeological And Paleontological Resources Protection Act"; 17 Ill. Adm. Code 4190	376
	<b>HOUSING DEVELOPMENT AUTHORITY, ILLINOIS</b>	
	ILLINOIS FUNERAL OR BURIAL FUNDS ACT; 38 Ill. Adm. Code 610	654
	<b>CONSERVATION, DEPARTMENT OF</b>	
	Camping On Department Of Conservation Properties; 17 Ill. Adm. Code 130	345
	Cock Pheasant, Hungarian Partridge, Bobwhite Quail, And Rabbit Hunting; 17 Ill. Adm. Code 530	346
	Crow, Woodcock, Sniper, Rail And Teal Hunting; 17 Ill. Adm. Code 740	347
	Department Formal Hearings Conducted For Rulemaking And Contested Cases; 17 Ill. Adm. Code 2530	348
	Dog Training On Department-Owned Or -Managed Sites; 17 Ill. Adm. Code 950	349 350 351
	Dove Hunting; 17 Ill. Adm. Code 730	
	Duck, Goose And Coot Hunting; 17 Ill. Adm. Code 590	352
	General Hunting And Trapping On Department-Owned Or -Managed Sites; 17 Ill. Adm. Code 510	
	Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver And Woodchuck (Groundhog) Trapping; 17 Ill. Adm. Code 570	353
	Operation Of Watercraft Carrying Passengers On The Illinois Waters Of Lake Michigan; 17 Ill. Adm. Code 2080	354
	Public Use Of State Parks And Other Properties Of The Department Of Conservation; 17 Ill. Adm. Code 110	355
	Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote And Woodchuck (Groundhog) Hunting; 17 Ill. Adm. Code 550	356 357
	Squirrel Hunting; 17 Ill. Adm. Code 690	
	The Taking Of Wild Turkeys - Fall Archery Season; 17 Ill. Adm. Code 720	358
	The Taking Of Wild Turkeys-Fall Gun Season; 17 Ill. Adm. Code 715	359
	White-Tailed Deer Hunting By Use Of Bow And Arrow; 17 Ill. Adm. Code 670	360
	White-Tailed Deer Hunting By Use Of Firearms; 17 Ill. Adm. Code 650	361
	White-Tailed Deer Hunting Season By Use Of Muzzleloading Rifles; 17 Ill. Adm. Code 660	363
	White-Tailed Deer Hunting Season By Use Of Handguns; 17 Ill. Adm. Code 680	362
	<b>EDUCATION, STATE BOARD OF</b>	
	Building Specifications For Health And Safety In Public Schools; 23 Ill. Adm. Code 185	364
	Certification; 23 Ill. Adm. Code 25	365
	Disadvantaged Students Funds Plan--Districts Over 50,000 ADA; 23 Ill. Adm. Code 202	366
	Driver Education; 23 Ill. Adm. Code 252	367
	Educational Service Centers; 23 Ill. Adm. Code 500	368

Vol. 19, Issue #4	ILLINOIS REGISTER CUMULATIVE INDEX	January 27, 1995
Affordable Housing Bond Program - Single Family; 47 Ill. Adm. Code 366		104
<b>INDUSTRIAL COMMISSION</b>		
Arbitration; 50 Ill. Adm. Code 7030		377
Insurance Regulations; 50 Ill. Adm. Code 7100		378
<b>INSURANCE, DEPARTMENT OF</b>		
Annual Audited Financial Report; 50 Ill. Adm. Code 925		379
Cost Containment Form And Data Reporting Requirements; 50 Ill. Adm. Code 6602		380
Credible Service; 50 Ill. Adm. Code 0007		381
Credit Accident And Health Insurance Rules; 50 Ill. Adm. Code 952		382
Definition Of Salary; 50 Ill. Adm. Code 6302		383
Filing Policy And Endorsements Form; 50 Ill. Adm. Code 753		384
Foreign And Alien Insurer Annual Audited Financial Reports; 50 Ill. Adm. Code 601		385
Health Maintenance Organization; 50 Ill. Adm. Code 6101		386
Letters Of Credit; 50 Ill. Adm. Code 1102		387
License, Documents Necessary To Engage In Activities And Examinations; 50 Ill. Adm. Code 752		388
Limited Health Service Organization; 50 Ill. Adm. Code 0008		389
Long-Term Care Partnership Insurance; 50 Ill. Adm. Code 2018		390
Loss Reserve Discounting; 50 Ill. Adm. Code 0009		391
Managing General Agents; 50 Ill. Adm. Code 0010		392
Minimum Standards For Individual And Group Medicare Supplement Insurance; 50 Ill. Adm. Code 2008		658
Minimum Standards Of Individual Accident And Health Insurance; 50 Ill. Adm. Code 2007		393
Modified Guaranteed Annuity; 50 Ill. Adm. Code 0012		394
Pension And Examination Procedure; 50 Ill. Adm. Code 6301		395
Plan Of Operation; 50 Ill. Adm. Code 0011		396
Preferred Provider Program Administrators; 50 Ill. Adm. Code 6501		397
Required Procedure For Filing And Securing Approval Of Life Insurance, Annuity And Accident And Health Insurance, Voluntary Health Services Plans, Vision Service Plans, Dental Service Plans, Pharmaceutical Service Plans, Limited Health Service Organizations And Health Maintenance Organizations Policy Forms; 50 Ill. Adm. Code 916		398
Rules And Rate Filings; 50 Ill. Adm. Code 754		399
Surplus Line Business Requirements; 50 Ill. Adm. Code 2801		400
Valuation Of Life Insurance Policies - Rules Including The Introduction And Use Of New Select Mortality Factors; 50 Ill. Adm. Code 1409		401
<b>LABOR RELATIONS BOARD, ILLINOIS STATE/ILLINOIS LOCAL</b>		
Freedom Of Information; 2 Ill. Adm. Code 2501		105
<b>ILLINOIS REGISTER CUMULATIVE INDEX</b>		
Vol. 19, Issue #4		January 27, 1995
Public Information, Rulemaking Organization; 2 Ill. Adm. Code 2500		106
<b>LOTTERY, DEPARTMENT OF</b>		
Lottery (General); 11 Ill. Adm. Code 1770		402
<b>MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, DEPARTMENT OF</b>		
Family Assistance And Home-Based Support Programs For Persons With Mental Disabilities; 59 Ill. Adm. Code 117		403
Medicaid Community Mental Health Services Program; 59 Ill. Adm. Code 132		405
Medicaid Home And Community-Based Services For Developmentally Disabled Recipients; 59 Ill. Adm. Code 120		407
Treatment And Habilitation Services; 59 Ill. Adm. Code 112		409
<b>MINES AND MINERALS, DEPARTMENT OF</b>		
Administrative And Judicial Review; 62 Ill. Adm. Code 1847		659
Bonding And Insurance Requirements For Surface Coal Mining And Reclamation Operations; 62 Ill. Adm. Code 1800		660
Civil Penalties; 62 Ill. Adm. Code 1845		661
Department Inspections; 62 Ill. Adm. Code 1840		662
General; 62 Ill. Adm. Code 1700		663
General Definitions; 62 Ill. Adm. Code 1701		664
General Rules Relating To Procedure And Practice; 62 Ill. Adm. Code 1848		665
Permanent Program Performance Standards-- Underground Mining Operations; 62 Ill. Adm. Code 1817		667
Permanent Program Performance Standards-Surface Mining Activities; 62 Ill. Adm. Code 1816		666
Permit Applications--Minimum Requirements For Legal, Financial, Compliance, And Related Information; 62 Ill. Adm. Code 1778		668
Requirements For Coal Exploration; 62 Ill. Adm. Code 1772		669
Requirements For Permits And Permit Processing; 62 Ill. Adm. Code 1773		670
Requirements For Permits For Special Categories Of Mining; 62 Ill. Adm. Code 1785		671
Restriction On Financial Interests Of State Employees; 62 Ill. Adm. Code 1705		673
Revision; Renewal; And Transfer, Assignment, Or Sale Of Permit Rights; 62 Ill. Adm. Code 1774		674
Small Operator Assistance; 62 Ill. Adm. Code 1795		676
Special Permanent Program Performance Standards-- Operations On High Capability Lands; 62 Ill. Adm. Code 1825		677
State Enforcement; 62 Ill. Adm. Code 1843		678
Surface Mining Permit Application--Minimum Requirements For Reclamation And Operation Plan; 62 Ill. Adm. Code 1780		680
Surface Mining Permit Applications - Minimum Requirements For Information On Environmental Resources; 62 Ill. Adm. Code 1779		679

ILLINOIS REGISTER		January 27, 1995
Vol. 19, Issue #4	CUMULATIVE INDEX	
<b>PROFESSIONAL REGULATION, DEPARTMENT OF</b>		
The Illinois Explosives Act; 62 Ill. Adm. Code 200	681	
The Illinois Oil And Gas Act; 62 Ill. Adm. Code 240	411	
Training, Examination And Certification Of Blasters; 62 Ill. Adm. Code 1850	682	
Underground Mining Permit Applications--Minimum Requirements For Information On Environmental Resources; 62 Ill. Adm. Code 1783	683	
Underground Mining Permit Applications--Minimum Requirements For Reclamation And Operation Plan; 62 Ill. Adm. Code 1784	684	
<b>NUCLEAR SAFETY, DEPARTMENT OF</b>		
Access To Facilities For Treatment, Storage, Or Disposal Of Low-Level Radioactive Waste; 32 Ill. Adm. Code 609	412	
Fees For Radioactive Material Licenses; 32 Ill. Adm. Code 331	413	
Licensing Of Radioactive Material; 32 Ill. Adm. Code 330	414	
Use Of Radionuclides In The Healing Arts; 32 Ill. Adm. Code 335	415	
<b>POLLUTION CONTROL BOARD</b>		
Clean Fuel Vehicles; 35 Ill. Adm. Code 241	416	
Definitions And General Provisions; 35 Ill. Adm. Code 211	418	
Definitions And General Provisions; 35 Ill. Adm. Code 211	685	
General Rules; 35 Ill. Adm. Code 101	420	
Hazardous Waste Management System: General; 35 Ill. Adm. Code 720	422	
Organic Material Emission Standards And Limitations For The Chicago Area; 35 Ill. Adm. Code 218	424	
Organic Material Emission Standards And Limitations For The Metro East Area; 35 Ill. Adm. Code 219	426	
Organic Material Emission Standards And Limitations; 35 Ill. Adm. Code 215	428	
Permits And General Provisions; 35 Ill. Adm. Code 201	430	
Petroleum Underground Storage Tanks; 35 Ill. Adm. Code 732	432	
Primary Drinking Water Standards; 35 Ill. Adm. Code 611	434	
Sewer Discharge Criteria; 35 Ill. Adm. Code 307	436	
Solid Waste Disposal: General Provisions; 35 Ill. Adm. Code 810	438	
Standards For Compost Facilities; 35 Ill. Adm. Code 830	440	
Standards For Existing Landfills And Units; 35 Ill. Adm. Code 814	442	
Toxic Air Contaminants; 35 Ill. Adm. Code 232	444	
Toxic Air Contaminants; 35 Ill. Adm. Code 232	687	
Underground Injection Control Operating Requirements; 35 Ill. Adm. Code 730	446	
Underground Storage Tanks; 35 Ill. Adm. Code 731	448	
Vehicle Scrappage Requirements; 35 Ill. Adm. Code 242	450	
Visible And Particulate Matter Emissions; 35 Ill. Adm. Code 212	452	
Visible And Particulate Matter Emissions; 35 Ill. Adm. Code 212	689	
Water Quality Standards; 35 Ill. Adm. Code 302	454	
<b>PROPERTY TAX APPEAL BOARD</b>		
Procedures; 86 Ill. Adm. Code 1910	456	
<b>PUBLIC AID, DEPARTMENT OF</b>		
Aid To Families With Dependent Children; 89 Ill. Adm. Code 112	457	
Aid To The Aged, Blind Or Disabled; 89 Ill. Adm. Code 113	459	
Child Support Enforcement; 89 Ill. Adm. Code 160	460	
Demonstration Programs; 89 Ill. Adm. Code 170	462	
Diagnosis Related Grouping (DRG) Prospective Payment System (PPS); 89 Ill. Adm. Code 149	464	
Food Stamps; 89 Ill. Adm. Code 121	466	
Hospital Services; 89 Ill. Adm. Code 148	468	
Medical Payment; 89 Ill. Adm. Code 140	470	
Medicaid Plus; 89 Ill. Adm. Code 142	474	
Refugee/Entrant/Repatriate Program; 89 Ill. Adm. Code 115	476	
Related Program Provisions; 89 Ill. Adm. Code 117	477	
Rights And Responsibilities; 89 Ill. Adm. Code 102	479	



Vol. 19, Issue #4	ILLINOIS REGISTER CUMULATIVE INDEX	January 27, 1995
<b>PUBLIC HEALTH, DEPARTMENT OF</b>		
AIDS Drug Reimbursement Program; 77 Ill. Adm. Code 692		691
Assessing Laboratory Fees For Toxicologic Analysis; 77 Ill. Adm. Code 475		692
Child Health Examination Code; 77 Ill. Adm. Code 665		694
College Immunization Code; 77 Ill. Adm. Code 694		695
Emergency Medical Services Code; 77 Ill. Adm. Code 535		696
Family Planning Services Code; 77 Ill. Adm. Code 635		698
Grade A Pasteurized Milk And Milk Products; 77 Ill. Adm. Code 775		700
Hospital Licensing Requirements; 77 Ill. Adm. Code 250		702
Illinois Swimming Pool And Bathing Beach Code; 77 Ill. Adm. Code 820		704
Illinois Plumbing Code; 77 Ill. Adm. Code 890		705
Illinois Trauma Center Code; 77 Ill. Adm. Code 540		706
Immunization Code; 77 Ill. Adm. Code 695		708
Long-Term Care Facilities Licensing Code; 77 Ill. Adm. Code 320		710
Manufactured Dairy Products; 77 Ill. Adm. Code 785		712
Manufactured Housing And Mobile Structures; 77 Ill. Adm. Code 880		714
Migrant Labor Camps; 77 Ill. Adm. Code 935		715
Plumbers Licensing Code; 68 Ill. Adm. Code 750		716
Practice And Procedure In Administrative Hearings; 77 Ill. Adm. Code 100		717
Processors Of Cacao Products And Confectionery; 77 Ill. Adm. Code 738		718
Processors Of Fresh And Smoked Fish; 77 Ill. Adm. Code 735		719
Sanitary Vending Of Food And Beverages; 77 Ill. Adm. Code 743		720
Soft Drink Manufacturers; 77 Ill. Adm. Code 740		721
Structural Pest Control Code; 77 Ill. Adm. Code 830		722
Tanning Facilities Code; 77 Ill. Adm. Code 795		724
The Manufacturing, Processing, Packing Or Holding Of Food; 77 Ill. Adm. Code 730		725
WIC Vendor Management Code; 77 Ill. Adm. Code 672		727
<b>REHABILITATION SERVICES, DEPARTMENT OF</b>		
Advisory Councils; 89 Ill. Adm. Code 515		480
Appeals And Hearings; 89 Ill. Adm. Code 510		481
Application; 89 Ill. Adm. Code 557		482
Assessment For Determining Eligibility And Rehabilitation Needs; 89 Ill. Adm. Code 553		483
Centers For Independent Living; 89 Ill. Adm. Code 885		485
Client Financial Participation; 89 Ill. Adm. Code 562		486
Closure; 89 Ill. Adm. Code 617		487
Comparable Benefits; 89 Ill. Adm. Code 567		488
Confidentiality; 89 Ill. Adm. Code 505		489
Criteria For The Evaluation Of Programs Of Services In Community Rehabilitation Programs; 89 Ill. Adm. Code 530		490
Eligibility; 89 Ill. Adm. Code 682		491
<b>ILLINOIS CHILDREN'S SCHOOL AND REHABILITATION CENTER'S RESPITE PROGRAM; 89 Ill. Adm. Code 787</b>		
Impartial Due Process Hearing; 89 Ill. Adm. Code 800		492
Individualized Written Rehabilitation Program (IWRP); 89 Ill. Adm. Code 572		493
Non-Academic Programs And Policies; 89 Ill. Adm. Code 830		494
Projects With Industry; 89 Ill. Adm. Code 640		495
Provider Requirements, Type Services, And Rates Of Payment; 89 Ill. Adm. Code 686		496
Rules Of Conduct; 89 Ill. Adm. Code 827		497
Services; 89 Ill. Adm. Code 590		498
State-Operated Or Private Programs; 89 Ill. Adm. Code 790		499
Therkelsen-Hansen College Loan Fund; 89 Ill. Adm. Code 835		500
Vending Facility Program For The Blind; 89 Ill. Adm. Code 650		501
<b>SAVINGS AND RESIDENTIAL FINANCE, COMMISSIONER OF</b>		
Residential Mortgage License Act Of 1987; 38 Ill. Adm. Code 1050		502
Savings Bank Act; 38 Ill. Adm. Code 1075		503
<b>SECRETARY OF STATE</b>		
Beat Auto Theft (B.A.T.) Program; 92 Ill. Adm. Code 0003		508
Cancellation, Revocation Or Suspension Of Licenses Or Permits; 92 Ill. Adm. Code 1040		509
Collection Of Fees; 92 Ill. Adm. Code 1003		510
Commercial Driver Training Schools; 92 Ill. Adm. Code 1060		511
Issuance Of Licenses; 92 Ill. Adm. Code 1030		512
Procedures And Standards; 92 Ill. Adm. Code 1001		513
Regulations Under Illinois Securities Law Of 1953; 14 Ill. Adm. Code 130		514
Rules Of The Road-Handicapped Parking; 92 Ill. Adm. Code 1100		516
Safe Ride; 92 Ill. Adm. Code 0004		517
<b>TEACHERS' RETIREMENT SYSTEMS OF THE STATE OF ILLINOIS</b>		
Administration & Operation Of The Teachers' Retirement System, The; 80 Ill. Adm. Code 1650		126
<b>TRANSPORTATION, DEPARTMENT OF</b>		
Alternate Fuel Systems For School Buses; 92 Ill. Adm. Code 449		729
Appendix G Vehicle Inspection Manual; 92 Ill. Adm. Code 0006		730
Carriage By Public Highway; 92 Ill. Adm. Code 177		731
Continuing Qualification And Maintenance Of Packaging; 92 Ill. Adm. Code 180		732
Driving And Parking; 92 Ill. Adm. Code 397		733
Driving Of Motor Vehicles; 92 Ill. Adm. Code 392		734
General Information, Regulations And Definitions; 92 Ill. Adm. Code 171		735
Hazardous Materials Table And Hazardous Materials Communications; 92 Ill. Adm. Code 172		736
Hours Of Service Of Drivers; 92 Ill. Adm. Code 395		737

ILLINOIS REGISTER			ILLINOIS REGISTER		
CUMULATIVE INDEX			CUMULATIVE INDEX		
Vol. 19, Issue #4		January 27, 1995	Vol. 19, Issue #4		January 27, 1995
Inspection, Repair And Maintenance; 92 Ill. Adm. Code 396		738	94-682 Jamaican Independence Day		149
Inspection, Repair And Maintenance; 92 Ill. Adm. Code 396		1016	94-683 Lifelink Day		149
Motor Carrier Safety Regulations:General; 92 Ill. Adm. Code 390		739	94-684 Snowmobile Safety Awareness Week		150
Official Testing Stations; 92 Ill. Adm. Code 448		740	94-685 All-City Elementary Youth Chorus of Chicago Day		150
Parts And Accessories Necessary For Safe Operation; 92 Ill. Adm. Code 393		741	94-686 League of Women Voters Day		151
Prequalification Of Contractors And Issuance Of Plans And Proposals; 44 Ill. Adm. Code 650		742	94-687 Critical Care Nurse Week		519
Procedures; 92 Ill. Adm. Code 107		743	94-688 Financial Literacy for Youth Month		519
Procedures And Enforcement; 92 Ill. Adm. Code 386		744	94-689 Nancy Turner Day		519
Qualification Of Drivers; 92 Ill. Adm. Code 391		745	94-690 Opticians Month		520.
Rates To Be Charged By Official Testing Stations For School Buses; 92 Ill. Adm. Code 446		746	94-691 African-American History Month		520.
Request For Public Records; 2 Ill. Adm. Code 1226		747	94-692 Josephine Stasiak Day		521
School Bus Pretrip Inspection Requirements; 92 Ill. Adm. Code 0005		748	95-001 Centennial Celebration of Chicago Lying-In Hospital		753
Shippers General Requirements For Shipments And Packagings; 92 Ill. Adm. Code 173		749			
Specifications For Packagings; 92 Ill. Adm. Code 178		750			
Specifications For Tank Cars; 92 Ill. Adm. Code 179		751			
<b>JOINT COMMITTEE ON ADMINISTRATIVE RULES</b>					
<b>AGENDA</b>					
Agenda for Meeting of January 10, 1995		127			
<b>SECOND NOTICES RECEIVED</b>					
134, 518, 752, 1017					
<b>EXECUTIVE ORDERS AND PROCLAMATIONS</b>					
<b>EXECUTIVE ORDERS</b>					
95-1 Lieutenant Governor's Duties & Responsibilities Regarding Economic Development		1019			
<b>PROCLAMATIONS</b>					
94-672 U.S. Congress, State Senators and Representatives		135			
94-673 State Officers and U of I Trustees		144			
94-674 Proposed Amendment to Section 8 of Article I		145			
94-675 Bremen Youth Committee Day		146			
94-676 Compassionate Friends Week		146			
94-677 Pearl Harbor Remembrance Day		146			
94-678 Chicagoland Hilton Hotels Salutes DCFS Children Day		147			
94-679 Jack C. Costello Day		147			
94-680 Marshall Field's Day		148			
94-681 Elmhurst Cleaners Day		149			

This Sections Affected Index lists, by title, each Section of a Part on which Rule Making has occurred in this volume (calendar year) of the Illinois Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register is proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 11 Ill. Adm. Code 465.115 was proposed last year and adopted this year. The action entry reads: (P-15655/94; A-6520). The codes are listed below.

### TYPE OF RULE MAKING

am = amend to existing Section  
cc = codification changes  
n = New section  
r = repeal of existing Section  
re = recodified  
# = renumbered

A = Adopted Rule  
E = Emergency  
P = Proposed Rule  
PP = Preemptory  
M = Modification  
W = Withdrawal  
CC = Codification Changes  
RQ = Request for Correction  
R = Refusal

PF = Prohibited Filing  
S = Suspension  
O = JCAR Objection  
F = Failure to Remedy Objections  
RC = Recommendations  
EC = Expedited Correction  
C = Correction

**ACTION CODE**

am = amend to existing Section  
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RC = Recommendations  
EC = Expedited Correction  
C = Correction

TITLE 8	60.10	am	(P-754)	am	(P-152)	am	TITLE 20			426.10	am	(P-152)	am	(P-861)	am	1240.10	am	(P-14567/94-A-954)	r	(P-14308/94-A-606)	672.315	am	(P-14308/94-A-606)	790.65	n	W-289(E-3778/94)
	60.12	am	(P-754)	am	(P-152)	am	426.12	am	(P-152)	2720.55	am	(P-152)	am	(P-861)	am	1240.15	am	(P-14567/94-A-954)	r	(P-14308/94-A-606)	672.405	am	(P-14308/94-A-606)	790.65	n	W-289(E-3778/94)
	60.20	am	(P-754)	am	(P-152)	n	426.15	am	(P-152)	2720.70	am	(P-152)	am	(P-861)	am	1240.16	am	(P-14567/94-A-954)	r	(P-14308/94-A-606)	672.420	am	(P-14308/94-A-606)	790.65	n	W-289(E-3778/94)
	60.30	am	(P-754)	am	(P-152)	r	426.20	am	(P-152)	2720.80	am	(P-152)	am	(P-861)	am	1240.20	am	(P-14567/94-A-954)	r	(P-14308/94-A-606)	672.445	am	(P-14308/94-A-606)	790.80	r	P-14520/94
	60.40	am	(P-754)	am	(P-152)	n	426.30	am	(P-152)	2735.20	am	(P-152)	am	(P-861)	am	1240.25	am	(P-14567/94-A-954)	r	(P-14308/94-A-606)	672.450	am	(P-14308/94-A-606)	790.80	r	P-14520/94
	60.50	am	(P-754)	am	(P-152)	n	426.40	am	(P-152)	2735.30	am	(P-152)	am	(P-861)	am	1240.30	am	(P-14567/94-A-954)	r	(P-14308/94-A-606)	672.505	am	(P-14308/94-A-606)	790.80	r	P-14520/94
	60.60	am	(P-754)	am	(P-152)	n	426.50	am	(P-152)	2735.70	am	(P-152)	am	(P-861)	am	1240.35	am	(P-14567/94-A-954)	r	(P-14308/94-A-606)	672.510	am	(P-14308/94-A-606)	790.80	r	P-14520/94
	60.70	am	(P-754)	am	(P-152)	n	426.60	am	(P-152)	2735.80	am	(P-152)	am	(P-861)	am	1240.40	am	(P-14567/94-A-954)	r	(P-14308/94-A-606)	672.515	am	(P-14308/94-A-606)	790.80	r	P-14520/94
	60.80	r	(P-754)	am	(P-152)	n	426.70	am	(P-152)	2760.30	am	(P-152)	am	(P-861)	am	1240.45	am	(P-14567/94-A-954)	r	(P-14308/94-A-606)	672.520	am	(P-14308/94-A-606)	790.100	r	W-289(E-3778/94)
	255.10	am	(P-1)	am	(P-152)	n	426.80	am	(P-152)	2760.40	am	(P-152)	am	(P-861)	am	1240.46	am	(P-14567/94-A-954)	r	(P-14308/94-A-606)	672.525	am	(P-14308/94-A-606)	790.120	r	P-14520/94
255.50	am	(P-1)	am	(P-152)	n	426.90	am	(P-152)	2760.40	am	(P-152)	am	(P-861)	am	1240.47	am	(P-14567/94-A-954)	r	(P-14308/94-A-606)	672.530	am	(P-14308/94-A-606)	790.120	r	P-14520/94	
255.60	am	(P-1)	am	(P-152)	n	425.100	am	(P-152)	2762.20	am	(P-152)	am	(P-861)	am	1240.48	am	(P-14567/94-A-954)	r	(P-14308/94-A-606)	672.615	am	(P-14308/94-A-606)	790.140	r	P-14520/94	
255.110	am	(P-1)	am	(P-152)	n	425.110	am	(P-152)	2762.30	am	(P-152)	am	(P-861)	am	1240.51	am	(P-14567/94-A-954)	r	(P-14308/94-A-606)	672.620	am	(P-14308/94-A-606)	790.160	r	P-14520/94	
255.170	am	(P-1)	am	(P-152)	n	425.120	am	(P-152)	2762.40	am	(P-152)	am	(P-861)	am	1240.55	am	(P-14567/94-A-954)	r	(P-14308/94-A-606)	672.625	am	(P-14308/94-A-606)	790.160	r	P-14520/94	
256.30	am	(P-13)	am	(P-13)	am	1020.70	am	(P-13)	2763.10	am	(P-13)	am	(P-894)	am	1240.60	am	(P-14567/94-A-954)	r	(P-14308/94-A-606)	672.630	am	(P-14308/94-A-606)	790.180	r	P-14520/94	
256.50	am	(P-13)	am	(P-13)	am	1020.80	am	(P-13)	2763.20	am	(P-13)	am	(P-894)	am	1240.65	am	(P-14567/94-A-954)	r	(P-14308/94-A-606)	672.640	am	(P-14308/94-A-606)	790.180	r	P-14520/94	
256.70	am	(P-13)	am	(P-13)	am	1020.10	am	(P-13)	2763.40	am	(P-13)	am	(P-894)	am	1240.70	am	(P-14567/94-A-954)	r	(P-14308/94-A-606)	672.645	am	(P-14308/94-A-606)	790.200	r	P-14520/94	
TITLE 11	311.15	n	(P-568)	am	(P-1684/94-A-928)	am	1020.20	am	(P-1684/94-A-928)	2763.50	am	(P-1684/94-A-928)	am	(P-976)	am	1400.20	am	(P-2566/94)	r	(P-14308/94-A-606)	672.655	am	(P-14308/94-A-606)	790.220	r	P-14520/94
	311.25	n	(P-568)	am	(P-1684/94-A-928)	am	1020.30	am	(P-1684/94-A-928)	2764.10	am	(P-1684/94-A-928)	am	(P-976)	am	1400.20	am	(P-2566/94)	r	(P-14308/94-A-606)	672.655	am	(P-14308/94-A-606)	790.220	r	P-14520/94
	311.30	am	(P-568)	am	(P-1684/94-A-928)	am	1020.40	am	(P-1684/94-A-928)	2764.30	am	(P-1684/94-A-928)	am	(P-976)	am	1400.20	am	(P-2566/94)	r	(P-14308/94-A-606)	672.655	am	(P-14308/94-A-606)	790.220	r	P-14520/94
	311.35	am	(P-568)	am	(P-1684/94-A-928)	am	1020.50	am	(P-1684/94-A-928)	2764.30	am	(P-1684/94-A-928)	am	(P-976)	am	1400.20	am	(P-2566/94)	r	(P-14308/94-A-606)	672.655	am	(P-14308/94-A-606)	790.220	r	P-14520/94
	311.40	am	(P-568)	am	(P-1684/94-A-928)	am	1020.60	am	(P-1684/94-A-928)	2764.30	am	(P-1684/94-A-928)	am	(P-976)	am	1400.20	am	(P-2566/94)	r	(P-14308/94-A-606)	672.655	am	(P-14308/94-A-606)	790.220	r	P-14520/94
	311.45	am	(P-568)	am	(P-1684/94-A-928)	am	1020.70	am	(P-1684/94-A-928)	2764.50	am	(P-1684/94-A-928)	am	(P-976)	am	1400.20	am	(P-2566/94)	r	(P-14308/94-A-606)	672.655	am	(P-14308/94-A-606)	790.220	r	P-14520/94
	1770.10	am	(P-791)	am	(P-791)	am	1020.80	am	(P-791)	2771.20	am	(P-791)	am	(P-852)	am	1400.30	am	(P-1189/94)	am	(P-533)	750.110	am	(P-533)	790.260	r	P-14520/94
	1770.60	am	(P-791)	am	(P-791)	am	1300.60	am	(P-791)	2771.30	am	(P-791)	am	(P-852)	am	1400.30	am	(P-1189/94)	am	(P-533)	750.110	am	(P-533)	790.260	r	P-14520/94
	1770.170	am	(P-791)	am	(P-791)	am	2700.10	am	(P-791)	2771.30	am	(P-791)	am	(P-852)	am	1400.30	am	(P-1189/94)	am	(P-533)	750.140	am	(P-533)	790.280	r	P-14520/94
	1770.190	am	(P-791)	am	(P-791)	am	2700.20	am	(P-791)	2771.30	am	(P-791)	am	(P-852)	am	1400.30	am	(P-1189/94)	am	(P-533)	750.140	am	(P-533)	790.280	r	P-14520/94
1770.200	am	(P-791)	am	(P-791)	am	2700.40	am	(P-791)	2771.30	am	(P-791)	am	(P-852)	am	1400.30	am	(P-1189/94)	am	(P-533)	750.140	am	(P-533)	790.280	r	P-14520/94	
TITLE 17	1075.10	am	(P-14259/94-A-594)	am	(P-883)	am	2700.50	am	(P-883)	360.120	am	(P-883)	am	(P-163(E-273))	285.1100	am	(P-12944/94-A-227)	am	(P-533)	750.185	am	(P-533)	790.300	r	P-14520/94	
	1075.20	am	(P-14259/94-A-594)	am	(P-883)	am	2700.60	am	(P-883)	360.120	am	(P-883)	am	(P-163(E-273))	285.1100	am	(P-12944/94-A-227)	am	(P-533)	750.185	am	(P-533)	790.300	r	P-14520/94	
	1075.30	am	(P-14259/94-A-594)	am	(P-883)	am	2700.70	am	(P-883)	360.120	am	(P-883)	am	(P-163(E-273))	285.1100	am	(P-12944/94-A-227)	am	(P-533)	750.185	am	(P-533)	790.300	r	P-14520/94	
	1075.40	am	(P-14259/94-A-594)	am	(P-883)	am	2700.80	am	(P-883)	360.120	am	(P-883)	am	(P-163(E-273))	285.1100	am	(P-12944/94-A-227)	am	(P-533)	750.185	am	(P-533)	790.300	r	P-14520/94	
	1075.50	am	(P-14259/94-A-594)	am	(P-883)	am	2700.90	am	(P-883)	360.120	am	(P-883)	am	(P-163(E-273))	285.1100	am	(P-12944/94-A-227)	am	(P-533)	750.185	am	(P-533)	790.300	r	P-14520/94	
	1075.60	am	(P-14259/94-A-594)	am	(P-883)	am	2701.00	am	(P-883)	360.120	am	(P-883)	am	(P-163(E-273))	285.1100	am	(P-12944/94-A-227)	am	(P-533)	750.185	am	(P-533)	790.300	r	P-14520/94	
	1075.70	am	(P-14259/94-A-594)	am	(P-883)	am	2701.10	am	(P-883)	360.120	am	(P-883)	am	(P-163(E-273))	285.1100	am	(P-12944/94-A-227)	am	(P-533)	750.185	am	(P-533)	790.300	r	P-14520/94	
	1075.80	am	(P-14259/94-A-594)	am	(P-883)	am	2701.20	am	(P-883)	360.120	am	(P-883)	am	(P-163(E-273))	285.1100	am	(P-12944/94-A-227)	am	(P-533)	750.185	am	(P-533)	790.300	r	P-14520/94	
	1075.90	am	(P-14259/94-A-594)	am	(P-883)	am	2701.30	am	(P-883)	360.120	am	(P-883)	am	(P-163(E-273))	285.1100	am	(P-12944/94-A-227)	am	(P-533)	750.185	am	(P-533)	790.300	r	P-14520/94	
	1076.00	am	(P-14259/94-A-594)	am	(P-883)	am	2701.40	am	(P-883)	360.120	am	(P-883)	am	(P-163(E-273))	285.1100	am	(P-12944/94-A-227)	am	(P-533)	750.185	am	(P-533)	790.300	r	P-14520/94	
TITLE 19	1076.10	am	(P-14259/94-A-594)	am	(P-883)	am	2701.50	am	(P-883)	360.120	am	(P-883)	am	(P-163(E-273))	285.1100	am	(P-12944/94-A-227)	am	(P-533)	750.185	am	(P-533)	790.300	r	P-14520/94	
	1076.20	am	(P-14259/94-A-594)	am	(P-883)	am	2701.60	am	(P-883)	360.120	am	(P-883)	am	(P-163(E-273))	285.1100	am	(P-12944/94-A-227)	am	(P-533)	750.185	am	(P-533)	790.300	r	P-14520/94	
	1076.30	am	(P-14259/94-A-594)	am	(P-883)	am	2701.70	am	(P-883)	360.120	am	(P-883)	am	(P-163(E-273))	285.1100	am	(P-12944/94-A-227)	am	(P-533)	750.185	am	(P-533)	790.300	r	P-14520/94	
	1076.40	am	(P-14259/94-A-594)	am	(P-883)	am	2701.80	am	(P-883)	360.120	am	(P-883)	am	(P-163(E-273))	285.1100	am	(P-12944/94-A-227)	am	(P-533)	750.185	am	(P-533)	790.300	r	P-14520/94	
	1076.50	am	(P-14259/94-A-594)	am	(P-883)	am	2701.90	am	(P-883)	360.120	am	(P-883)	am	(P-163(E-273))	285.1100	am	(P-12944/94-A-227)	am	(P-533)	750.185	am	(P-533)	790.300	r	P-14520/94	
	1076.60	am	(P-14259/94-A-594)	am	(P-883)	am	2702.00	am	(P-883)	360.120	am	(P-883)	am	(P-163(E-273))	285.1100	am	(P-12944/94-A-227)	am	(P-533)	750.185	am	(P-533)	790.300	r	P-14520/94	
	1076.70	am	(P-14259/94-A-594)	am	(P-883)	am	2702.10	am	(P-883)	360.120	am	(P-883)	am	(P-163(E-273))	285.1100	am	(P-12944/94-A-227)	am	(P-533)	750.185	am	(P-533)	790.300	r	P-14520/94	
	1076.80	am	(P-14259/94-A-594)	am	(P-883)	am	2702.20	am	(P-883)	360.120	am	(P-883)	am	(P-163(E-273))	285.1100	am	(P-12944/94-A-227)	am	(P-533)	750.185	am	(P-533)	790.300	r	P-14520/94	
	1076.90	am	(P-14259/94-A-594)	am	(P-883)	am	2702.30	am	(P-883)	360.120	am	(P-883)	am	(P-163(E-273))	285.1100	am	(P-12944/94-A-227)	am	(P-533)	750.185	am	(P-533)	790.300	r	P-14520/94	
	1077.00	am	(P-14259/94-A-594)	am	(P-883)	am	2702.40	am	(P-883)	360.120	am	(P-883)	am	(P-163(E-273))	285.1100											



SECTIONS AFFECTED INDEX

TITLE 77 (CONT'D)		TITLE 77 (CONT'D)		TITLE 88 (CONT'D)		TITLE 89 (CONT'D)		TITLE 92	
845.31	n	(P-8021.A-227)	em	(P-22359/93;	112.306	em	(P-804)		
845.32	n	(P-8021.A-227)	em	O-18405/94.W-287)	113.253	em	(P-815)		
845.33	n	(P-8021.A-227)	em	(P-22359/93;	113.280	em	(P-815)		
845.50	em	(P-8021.A-227)	em	O-18405/94.W-287)	116.400	em	(P-824)		
845.Aa.E	em	(P-8021.A-227)	em	(P-22359/93;	116.510	em	(P-824)		
905.10	em	(P-22359/93;	em	O-18405/94.W-287)	118.300	em	(P-829)		
		(P-22359/93;	em	(P-22359/93;	140.11	em	(P-165)		
905.15	em	(P-22359/93;	em	O-18405/94.W-287)	140.12	em	(P-165)		
		(P-22359/93;	em	(P-22359/93;	140.523	em	(P-530) (E-845)		
905.20	em	(P-22359/93;	em	O-18405/94.W-287)	170.300	n	(P-842)		
		(P-22359/93;	em	(P-22359/93;	553.20	em	(P-839)		
905.30	em	(P-22359/93;	em	O-18405/94.W-287)	557.20	n	(P-846)		
		(P-22359/93;	Ex.A	(P-22359/93;	562.20	em	(P-846)		
905.40	em	(P-22359/93;	Ex.B	O-18405/94.W-287)	562.30	em	(P-846)		
		(P-22359/93;	em	(P-22359/93;	590.250	em	(P-28)		
905.50	em	(P-22359/93;	em	O-18405/94.W-287)					
		(P-22359/93;	em	(P-22359/93;	1001.600	n	(P-34) (E-54)		
905.55	n	(P-22359/93;	em	O-18405/94.W-287)	1001.610	n	(P-34) (E-54)		
		(P-22359/93;	em	(P-22359/93;	1001.620	n	(P-34) (E-54)		
905.60	em	(P-22359/93;	em	O-18405/94.W-287)	1001.630	n	(P-34) (E-54)		
		(P-22359/93;	em	(P-22359/93;	1001.640	n	(P-34) (E-54)		
905.70	em	(P-22359/93;	em	O-18405/94.W-287)	1001.650	n	(P-34) (E-54)		
		(P-22359/93;	em	(P-22359/93;	1001.660	n	(P-34) (E-54)		
905.80	em	(P-22359/93;	em	O-18405/94.W-287)	1001.670	n	(P-34) (E-54)		
		(P-22359/93;	em	(P-22359/93;	1001.680	n	(P-34) (E-54)		
905.90	em	(P-22359/93;	em	O-18405/94.W-287)	1001.690	n	(P-34) (E-54)		
		(P-22359/93;	em	(P-22359/93;	1202.60	n	(P-522)		
905.100	em	(P-22359/93;	em	O-18405/94.W-287)	1205.10	em	(P-525)		
		(P-22359/93;	em	(P-22359/93;	1205.100	em	(P-525)		
905.110	em	(P-22359/93;	em	(P-12585/94.A-206)					
		(P-22359/93;	em	(P-12585/94.A-206)					
905.120	em	(P-22359/93;	em	(P-12585/94.A-206)					
		(P-22359/93;	em	(P-12585/94.A-206)					
905.125	n	(P-22359/93;	em	(P-12585/94.A-206)					
		(P-22359/93;	em	(P-12585/94.A-206)					
905.130	em	(P-22359/93;	em	(P-12585/94.A-206)					
		(P-22359/93;	em	(P-12585/94.A-206)					
905.140	em	(P-22359/93;	em	(P-12585/94.A-206)					
		(P-22359/93;	em	(P-12585/94.A-206)					
905.150	em	(P-22359/93;	em	(P-12585/94.A-206)					
		(P-22359/93;	em	(P-12585/94.A-206)					
905.160	em	(P-22359/93;	em	(P-12585/94.A-206)					
		(P-22359/93;	em	(P-12585/94.A-206)					
905.170	em	(P-22359/93;	em	(P-12585/94.A-206)					
		(P-22359/93;	em	(P-12585/94.A-206)					
905.180	em	(P-22359/93;	em	(P-12585/94.A-206)					
		(P-22359/93;	em	(P-12585/94.A-206)					
905.180	em	(P-22359/93;	em	(P-12585/94.A-206)					
		(P-22359/93;	em	(P-12585/94.A-206)					
905.200	em	(P-22359/93;	em	(P-12585/94.A-206)					
		(P-22359/93;	em	(P-12585/94.A-206)					
905.210	r	(P-22359/93;	em	(P-12585/94.A-206)					
		(P-22359/93;	em	(P-12585/94.A-206)					
905.Aa.A	em	(P-22359/93;	em	(P-12585/94.A-206)					
II.A	em	(P-22359/93;	em	(P-12585/94.A-206)					
		(P-22359/93;	em	(P-12585/94.A-206)					
II.C	em	(P-22359/93;	em	(P-12585/94.A-206)					
		(P-22359/93;	em	(P-12585/94.A-206)					
II.D	em	(P-22359/93;	em	(P-12585/94.A-206)					
		(P-22359/93;	em	(P-12585/94.A-206)					
II.E	em	(P-22359/93;	em	(P-12585/94.A-206)					
		(P-22359/93;	em	(P-12585/94.A-206)					
II.F	em	(P-22359/93;	em	(P-12585/94.A-206)					
		(P-22359/93;	em	(P-12585/94.A-206)					
II.G	em	(P-22359/93;	em	(P-12585/94.A-206)					
		(P-22359/93;	em	(P-12585/94.A-206)					

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